

F248SOK1

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 MARK I. SOKOLOW, et al.,

4 Plaintiffs,

5 v.

04 CV 397 (GBD)

6 PALESTINE LIBERATION
7 ORGANIZATION, et al.,

8 Defendants.

9 New York, N.Y.
10 February 4, 2015
9:55 a.m.

11 Before:

12 HON. GEORGE B. DANIELS,

13 District Judge

14 APPEARANCES

15 ARNOLD & PORTER LLP
Attorneys for Plaintiffs

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20 BY: MARK J. ROCHON
21 LAURA G. FERGUSON
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22 MICHAEL SATIN
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23 Also present: RINA NE'EMAN, Hebrew interpreter
24 SHANTAM ZOHAR, Hebrew interpreter
25

F248SOK1

(Trial resumed; jury not present)

THE COURT: Good morning.

Let me just raise some issues and see what we have to address.

The plaintiff had responded to the renewed motion to strike and a new application for a mistrial with regard to Shrenzel's testimony. My position is still exactly the same as when I ruled. There is no basis for a mistrial or to exclude the testimony. I am going to deny the application for any relief with regard to that testimony.

The testimony was properly admitted for the reasons I have already stated and clearly was not, even if it were to be considered error, it clearly was not irreversible error or prejudicial error given the nature of the subject matter and the nature of the direct, cross and redirect. So that application is denied in all respects and we can move past that.

Do we intend to get to the Gritzs today?

MR. YALOWITZ: No. Mrs. Gritz is going to go on on Friday. The only issue I have is if there is a concern about the letter that she received and the response of Norman, I can bring the author of the letter and the recipient of the e-mail. I will plan to have him here Friday afternoon so that if we need to swear him up and have him give any testimony about those matters, he will be available. His name is Douglas

F248SOK1

1 Burgess.

2 THE COURT: That is not my primary concern. My
3 primary concern would be even if he was a witness here what
4 would be the probative value of a letter written by a friend?

5 MR. YALOWITZ: I think, frankly, the probative value
6 really doesn't go to him. He is not a plaintiff.

7 THE COURT: Right.

8 MR. YALOWITZ: The probative value goes to what was
9 the impact of David's death on the parents and how did they
10 feel receiving a letter like that. I don't know if you're a
11 parent.

12 THE COURT: Yes, sir.

13 MR. YALOWITZ: I imagined you might be. Our children
14 in some ways lead separate lives from us at a certain point and
15 to receive a letter like that and to understand the life that a
16 child led away from the parent was profoundly moving for these
17 parents.

18 THE COURT: Why isn't that an appropriate subject for
19 their testimony.

20 MR. YALOWITZ: Because it goes to the grief that they
21 suffered as a result of the death of their child.

22 THE COURT: I know. Why isn't that the subject of
23 their testimony?

24 MR. YALOWITZ: It is.

25 THE COURT: Why is the substance of someone else's

F248SOK1

1 letter probative of what they experienced, felt and what they
2 are going to say is their grief?

3 MR. YALOWITZ: It goes like this. Did you receive a
4 letter? Did you receive a letter? Did he say this, did he say
5 that? How did that make you feel? Relate that to your
6 feelings of loss.

7 THE COURT: Why would you take particular paragraphs
8 or certain references to facts in the letter and ask her
9 individually, or ask her individually how that made her feel?
10 That is not the issue here. The issue is what injury did she
11 suffer as a result of her son being killed.

12 Now, we know what the standard and what will be the
13 expected testimony with regard to this relative as it is with
14 regard to any relative. And I can even see, although I think
15 it is not as compelling an argument, but I can even accept the
16 argument that certain things happened that reminded her of her
17 son that intensified her pain. But that doesn't compel me to
18 say that I am supposed to put in the entire letter of a third
19 party and everything that they say, what their relationship was
20 and what they say about certain facts that occurred in his life
21 toward that end, if the only issue is how did that affect the
22 witness's emotional or mental state at the time and how it has
23 continued or up until this day affects that state.

24 MR. YALOWITZ: I'm not sure I am understanding the
25 Court's preliminary views on this. I apologize for asking you.

F248SOK1

1 THE COURT: Let me just focus it again. My position
2 is that the jury is supposed to focus on her condition.

3 MR. YALOWITZ: Right. I agree with that.

4 THE COURT: Not on someone else's view of him, not on
5 someone else's feeling the loss, not on the facts that someone
6 else wants to put in a letter about his life for the jury to
7 accept for some other purpose.

8 I have no problems with her saying, you know, I
9 received various letters from people and I particularly
10 received one that was particularly compelling to me, and it
11 came from a friend of his and in general it laid out that
12 friend's relationship to him. As a matter of fact, she will
13 probably say it referenced things I was not even aware of. And
14 the nature of that letter was so moving that it intensified my
15 pain and suffering.

16 Now, I don't have a significant negative reaction to
17 that, if that's what you want to do.

18 MR. YALOWITZ: Rather than admit the letter. OK.

19 THE COURT: Because the letter I have, it's a
20 five-page letter. I assume she will testify who it's from.

21 MR. YALOWITZ: Yes.

22 THE COURT: The letter I have, I don't know if it's
23 signed.

24 MR. YALOWITZ: It's like a printout.

25 THE COURT: I can't remember. Is this a translation

F248SOK1

1 or is this the actual letter?

2 MR. YALOWITZ: It's in English.

3 THE COURT: So that one is in English.

4 As a matter of fact, is she going to say she read this
5 letter?

6 MR. YALOWITZ: Yes.

7 THE COURT: Because the response that you wanted is a
8 response from the father.

9 MR. YALOWITZ: From Norman. Norman was a native
10 English speaker.

11 What I would like to do -- frankly, I am meeting with
12 her tonight, and I think your guidance on this is very helpful
13 to me. I don't think we need to have a fight about the letter
14 or document. I think your suggestion of using it as a
15 reference point, let me see if I can do that and I will come
16 back to you if there is a problem.

17 THE COURT: I just want to give you some guidance. I
18 am not going to rule at this point. Also with regard to the
19 last set of documents, as you can imagine I am concerned about
20 the appropriateness and the probative value as opposed to its
21 prejudicial effect of just simply putting in what I might
22 reference as funeral testimonials of different people who are
23 not victims in this case. I have some concern about that.

24 MR. YALOWITZ: I want to just double-check, but I am
25 pretty sure one of the documents was written by Norman, who is

F248SOK1

1 now deceased.

2 THE COURT: I think you made reference to that in your
3 letter, but the way it reads it doesn't appear to be the case.

4 MR. YALOWITZ: When I meet with her tonight -- she is
5 coming from Paris today, and when I meet with her tonight I
6 really want to nail that down.

7 THE COURT: My greatest concern is the letter itself.
8 I don't have any concern about saying she received a letter and
9 just in general characterizing what the nature of the letter
10 was. I really don't have a serious concern, but I will hear
11 from the other side about the response, the e-mail response.
12 That obviously reflects both her reaction to the letter at the
13 time and Norman's reaction to the letter, who is now deceased
14 and can't speak for himself.

15 MR. YALOWITZ: She is his representative.

16 THE COURT: I understand. I will give you significant
17 leeway for her to testify about what she observed as to how it
18 affected him in his life.

19 The other one, the David Gritz uninterrupted journey,
20 quite frankly, I am not sure who this was written by. It
21 cannot have been written the way you have characterized it. It
22 cannot have been written by David and Norman. It was written
23 by someone else after Norman's death. They may have utilized
24 information or comments or other writings by the two or one of
25 the two.

F248SOK1

1 MR. YALOWITZ: This is 1137.

2 THE COURT: Yes.

3 MR. YALOWITZ: Let me double-check on this. I will
4 tell you what I know.

5 THE COURT: Do you even know when this was written?

6 MR. YALOWITZ: I think it was written between the time
7 when David died and when Norman died. So some of it is David's
8 journal. Like the very beginning, those are things that David
9 wrote while he was alive.

10 THE COURT: I see the quotations. There are several
11 quotations and I see the quotations are attributed to him.

12 MR. YALOWITZ: I need to double-check with Nevenka,
13 but my information on 1137 is that -- again, I want to
14 double-check, but my current belief is that this is an
15 introduction to David's thesis or something and that Norman
16 composed the introduction.

17 THE COURT: It can't be because it's written about him
18 and his life and his death.

19 MR. YALOWITZ: Right.

20 THE COURT: You say by whom?

21 MR. YALOWITZ: By Norman.

22 THE COURT: All right.

23 MR. YALOWITZ: Let me double-check.

24 THE COURT: I don't see the author.

25 MR. YALOWITZ: I know. That's why I want to

F248SOK1

1 double-check. And let me look at it with your comments in mind
2 because I understand the concerns that you're expressing, and I
3 want to respect those.

4 THE COURT: As I have indicated, 1138 is basically
5 testimonials by other individuals. As long as it's not word
6 for word quoting these documents, I don't have any problems
7 with testimony by Mrs. Gritz about what she received, in
8 general what it was about, how it affected her. I don't intend
9 to restrict you, and I will give you obviously some leeway for
10 her to testify about her observations about how it affected her
11 husband before his death. But the testimonials themselves,
12 this journal of his life and death, and the long letter that
13 was written to them itself is sort of content word for word of
14 the letter. To admit it as evidence I have some concern about.

15 But look at it. If we are not going to address it
16 today, then I will hear from both sides depending on how you
17 finally want to handle this. Quite frankly, if we are not
18 going to utilize these, I will probably give you a little bit
19 more leeway in terms of getting from her what the impact and
20 instances may have spiked or not with regard to things that
21 happened subsequent to the death. I will probably be a little
22 more restrictive if you put these documents in because I don't
23 know what you're going to do with the content of the documents.

24 MR. YALOWITZ: I hear you on the concern about the
25 documents. I want to think about it a little bit more too.

F248SOK1

1 How do you feel about those little excerpts of David's
2 journals?

3 THE COURT: Again, I need it in a context, and the
4 only relevant context is how it affects the parents. So, well,
5 we want to put in a whole bunch of evidence to show how full a
6 life he had, it's got to be more specific than that.

7 MR. YALOWITZ: We don't need to do it here, but one
8 thing that we have been thinking about, we do have a
9 shortening-of-life request for jury instructions. New York, as
10 you probably remember from your days in state court -- I don't
11 know if you were on the civil part. I remember you were on the
12 criminal part. Anyway, New York doesn't have a shortening of
13 life. Connecticut does. Some other states do. Israel does.
14 Nobody has addressed it in the federal context.

15 THE COURT: I am not aware that it has ever been
16 applied in the federal.

17 MR. YALOWITZ: I agree with that. It's never been
18 applied and never been rejected. As far as I can tell, I am
19 the first to ask for it.

20 THE COURT: I'm not aware of any case law that
21 specifically provides that that's appropriate.

22 MR. YALOWITZ: I agree with that. That kind of
23 evidence would go to that issue. I don't know whether you have
24 reached a conclusion on that instruction.

25 THE COURT: My recollection is the shortening of

F248SOK1

1 life -- who are the plaintiffs at this point?

2 MR. YALOWITZ: The estates are also plaintiffs, except
3 for Goldberg because he was not a U.S. citizen.

4 THE COURT: Why don't you think about what you really
5 want and what impact you really want on the jury and then we
6 can discuss this again probably tomorrow.

7 MR. YALOWITZ: This is not till Friday. That's great.

8 THE COURT: Let me put aside, you have some objections
9 to the defense witnesses and testimony. I am sure we can
10 narrow those when I hear from the defense, but let's not
11 address those now because our jurors are here.

12 MR. YALOWITZ: We have a full day today so we probably
13 will need to use the whole day.

14 THE COURT: Is there anything we need to address now?

15 MR. ROCHON: We will address those issues you just
16 discussed. I agree to discuss them tomorrow after Mr. Yalowitz
17 has had a chance to talk to Mrs. Gritz.

18 The plaintiffs have asked us to push back the timing
19 of the depositions on Saturday and we are consulting with the
20 witnesses. They want to do it in the evening. We may be able
21 to reach accord. If we don't, we will come back to you on
22 that.

23 I have some witnesses that are having visa issues that
24 may necessitate our either taking testimony by video or having
25 a de bene esse deposition. Just for Palestinians to get visas

F248SOK1

1 they need to go to Jerusalem. In order to go to Jerusalem they
2 need permission to go to Jerusalem, and in some instances
3 permission is either denied or delayed. We are working on
4 that. I will know when I need to come to you with an
5 application on that tomorrow. That's all I need to raise now,
6 just to let you know that issue may come up.

7 THE COURT: We can address that tomorrow.

8 MR. YALOWITZ: Before we bring the jury in, we have a
9 72-hour witness disclosure rule. We haven't seen their
10 witnesses for Monday. We need to get that. It's now 10:15.
11 They have already sliced some of their 72 hours off. I expect
12 by the next break we will have the defendants' witnesses. If
13 we don't, we are going to raise it with your Honor.

14 I am hoping we are going to work out this deposition
15 scheduling, but that also, again, they are slicing into the 48
16 hours. I am willing to accommodate them, but we worked very
17 hard to comply with those deadlines and we expect the
18 defendants to comply with them now that they are putting in
19 their case.

20 And this is the first I have heard about this video or
21 deposition testimony and I want to think about it. Hopefully
22 we won't need to address it, but if we do, we will take a look
23 at the standards, which I think are very strict.

24 MR. ROCHON: We are ready for the jury.

25 THE COURT: Then let's bring the jury in.

F248SOK1

(Jury present)

THE COURT: Good morning. I think we do have a number of witnesses that we can get through today, and hopefully we can fill up the whole day with the witnesses. Hopefully we will make significant progress today.

Mr. Yalowitz, would you call your next witness?

MR. YALOWITZ: Your Honor, our next witness is Jessica Gould Rine.

My colleague, Ms. Pildis, will be conducting the direct examination.

I apologize for the delay.

May I step out for just a moment?

THE COURT: Yes.

Would you like us to wait for you?

MR. YALOWITZ: No. Please proceed, with your permission.

THE COURT: Sure.

JESSICA GOULD RINE,

called as a witness by the plaintiffs,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. PILDIS:

Q. Good morning, Jessica.

A. Good morning.

Q. Where are you from?

F248SOK1

Gould Rine - direct

1 A. I'm currently living in Chicago, Illinois.

2 Q. Where did you grow up?

3 A. I grew up in Skokie, Illinois.

4 Q. Is that near Chicago?

5 A. It is.

6 Q. Are you a citizen of the United States?

7 A. I am.

8 Q. Can you tell us a little bit about your family and your
9 life growing up in Chicago?

10 A. I grew up with my sister Shayna and my parents, Elise and
11 Ron Gould, in Skokie. Lower middle class family. My parents
12 both worked. Went to public school. Pretty much your typical,
13 normal childhood.

14 Q. Were you and Shayna close growing up?

15 A. Yes.

16 Q. I would like to take you to January 22, 2002. Can you tell
17 me how you started that day?

18 A. I started that day like I started most days. I was working
19 full time in Rosemont, Illinois, and had kind of a long
20 commute, but I would always get up about half hour early, and
21 almost every day I called my sister, who was studying in
22 Jerusalem, and we spoke about everything and nothing just for
23 about a half hour almost every morning while she was away.

24 Q. What was she studying?

25 A. She was in a girl's seminary for Judaic studies.

F248SOK1

Gould Rine - direct

1 Q. When did she go there?

2 A. This was her second year and she had gone at the beginning
3 of the academic school year. In August of 2001 she left.

4 Q. After you spoke to your sister that morning -- let's back
5 up. Was your sister having a good time in Israel?

6 A. Yeah.

7 Q. What did she tell you about her time there?

8 A. She was having -- this was her second year. It was her
9 choice to return, and she was enjoying her studies and, you
10 know, she wanted to return and she did.

11 Q. After you spoke to your sister that day, what did you do?

12 A. It was just a regular -- it was a Tuesday morning. Regular
13 day. Got dressed, went to work, and started my workday just
14 like any other.

15 Q. What happened?

16 A. At about 11:00 in the morning I was sitting at my desk and
17 I saw a phone call come through. It was my father. It wasn't
18 really out of ordinary for him to call me at work if he needed
19 to. So I picked up the phone. I said hi. And he said, I'm
20 going to tell you something and I'm not kidding. I said, OK.
21 Strange. And he said, Shayna has been shot. And I knew
22 immediately that -- I knew what it was, and I knew that she
23 wasn't shot in the hand or foot, that it was something serious,
24 and I just lost it.

25 I started screaming. I was at work and I started

F248SOK1

Gould Rine - direct

1 screaming. No, no, it can't be because I just got off the
2 phone with her. We just talked. Then I said, It can't be her.
3 I just talked to her. He let me kind of go through -- I was
4 like screaming and everybody in the office came running. So he
5 just said she is in surgery and I said, I'm coming. He said,
6 Where are you coming? I said, I'm coming with you to Israel.
7 He didn't say he was going. I just knew. And he said OK.

8 And I was working in an office building. I had a
9 really good relationship, corporate relationship with a travel
10 agent that worked downstairs on the lower level of our
11 building. So I said, I am going to go down to the travel
12 agent, get the tickets and call you. And I went down to the
13 travel agent, with the help of the coworkers, and we made
14 tickets to Israel for that day at 5:00. We left on the 5:00
15 flight the same day.

16 Q. After you booked the tickets where did you go?

17 A. I was not emotionally capable of driving so one of my
18 coworkers drove me to my parents' house. I tried a couple of
19 times on the way there to call my husband, but I couldn't -- I
20 couldn't get it out and I kept hanging up. Finally I was
21 able -- I called him and he said that he was on his way, he was
22 going to meet up at my parents' house. So we all kind of
23 rendezvoused at my parents.

24 Q. At that point did your father receive a phone call?

25 A. Yeah. We all were at my parents' house and it was a very

F248SOK1

Gould Rine - direct

1 strange kind of mood. Nobody was really speaking to each
2 other. It was kind of -- nobody knew what to say to each
3 other. My mother was just kind of aimlessly walking around the
4 house, trying to pack, and I was waiting for my husband to
5 come. My father was already there. He was in the basement and
6 I was on the main floor and the phone rang.

7 We both picked up the phone at the same time. I was
8 in the kitchen. He said hello first. I didn't hang up.
9 Instead I just listened. And it was the surgeon, who is Dr.
10 Maher Deeb, calling from the hospital in Jerusalem, and they
11 were talking and he said they had completed the surgery and
12 that he thought that it had gone well, all things considered,
13 and he told him that unfortunately, as much as they tried, they
14 had to remove her left lung in order to stop the bleeding.

15 And my father started asking questions about: Could
16 she get a lung transplant to replace the lung? Was she going
17 to live a normal life? And the surgeon stopped him and said,
18 Mr. Gould, I am happy to answer your questions but I want to be
19 really honest with you. He said, I really only give her a 5
20 percent chance of making it through the night. And if she
21 makes it through the night -- she came in without a pulse. We
22 have no idea how long she went without oxygen so I can't
23 guarantee any brain activity even if she does make it through
24 the night.

25 Q. Did you tell anybody what you heard on the phone?

F248SOK1

Gould Rine - direct

1 A. No. I listened, and I hung up when they hung up, and I
2 never said a word. To this day my father doesn't know that I
3 heard the conversation. When he came up and told us, he didn't
4 mention that. He didn't tell us what the surgeon had said.

5 Q. When did you leave for Israel?

6 A. We left that day on the 5:00 flight on the 22nd.

7 Q. Once you arrived in Israel, what happened?

8 A. We arrived and the only international airport is in Tel
9 Aviv. And they had been -- I'm not even sure exactly how, but
10 they had been alerted we were coming and they had someone
11 waiting for us at the airport, and they had like a special
12 Customs kiosk ready for us. We didn't have to wait on line.
13 We went straight through, got our luggage, and someone was
14 there to drive us directly to the hospital.

15 I remember walking in the hospital. There was
16 somebody in the elevator waiting for us to take us up to the
17 10th floor, and it was very movie-esque. You walked into the
18 tenth floor. There is a long white hallway and it said
19 intensive care unit. There were double doors at the end of the
20 long hallway and there were people waiting for us at the end of
21 the hallway, and my parents were first and my husband and I
22 walked behind them. And there was the director of the hospital
23 and principal of Shayna's school and the dorm mother was
24 standing with them. Then behind them, just behind the double
25 doors to the intensive care unit, was a nurse.

F248SOK1

Gould Rine - direct

1 So they all started talking to each other, the
2 director of the hospital, my parents, and they were all
3 introducing each other. I was kind of like very antsy about
4 the talking. So I went around them to the nurse and said I
5 would like to see my sister. She said, Don't you want to wait
6 for your parents. I said, No, I don't want to wait. I just
7 wanted to see her. So she took me in to see her and she was in
8 an isolation room. So she brought me to the isolation room.

9 I walked in and Shayna was on the bed and one of her
10 friends, one of her roommates was sitting next to her holding
11 her hand. It was really shocking. She was a very like strange
12 gray-green color and she had tubes coming out of her side,
13 several of them, and she was on a ventilator. I knew that
14 this, we were not out of the water here. No human being should
15 be that color. So I knew that this could go either way.

16 Her roommate recognized me from pictures in Shayna's
17 dorm room and she got up and introduced herself and let me sit
18 next to Shayna. And I held Shayna's hand and she kind of
19 turned. She was really out of it. She wasn't quite -- she was
20 somewhere. I don't know where she was in the awareness
21 spectrum, but she was not awake by any means. But I remember
22 she turned, she looked at me, and I was holding her hand and
23 she started crying. I thought for sure she thinks she is going
24 to die. If she has any understanding of who I am at this
25 moment, if she has any understanding of what at all has

F248SOK1

Gould Rine - direct

1 transpired, she is thinking that I am here to say goodbye.

2 That would be my thought. Right?

3 So I held her hand and I looked at her and I said, I'm
4 here because you're going it live, not because you're going to
5 die. I didn't want her to give up. I was afraid that she was
6 going to end up just giving up hope because she realized what
7 was going on and that we were there. So I wanted to make sure
8 that she knew we are with her to fight.

9 After that my parents came in and nobody really said a
10 word. We just were all standing there around her, just taking
11 everything in and trying to process it.

12 Q. How many days went by before Shayna was alert enough to
13 understand what was going on around her?

14 A. Once they took the ventilator out and she could actually
15 start speaking, what happened was she kept forgetting. It was
16 like, the best way to describe it is like the movie Groundhog
17 Day. You tell somebody something and it happens all over
18 again. She only had retention of what we told her for 45
19 seconds.

20 So she would come to and she would say, What happened,
21 what am I doing here? And we would say, You were in a
22 terrorist attack, you were shot, and would explain it. And
23 then she would kind of go out of it and she would come back and
24 say, where am I, what happened? It was really awful to try to
25 tell somebody.

F248SOK1

Gould Rine - direct

1 So then we decided we were going to stop telling her
2 because it was harder on us. She didn't remember anything.
3 But at the time she actually was retaining information was
4 about a week. In fact, we were worried that she had lost like
5 all memory, cognitive function to remember things. Eventually
6 it was about a week until she was able to process information
7 and then normally enough to understand what happened.

8 Q. Can you describe how she was feeling during those first
9 couple of weeks?

10 A. She was on a lot of medication, a lot of medication. So
11 morphine does things to your brain. She was kind of
12 feeling -- she was all over the place emotionally. They didn't
13 even tell her that she had lost a lung until a week later.
14 They actually brought in a psychologist and pulmonary
15 specialist and nobody actually told her that she lost a lung,
16 because they did the surgery through her back. So when she
17 looked down on -- if she had her gown on, she looked down, she
18 saw almost nothing because the entrance wound was very, very
19 small. So she didn't even comprehend that she had lost a lung.
20 It was really an emotionally messy time.

21 Q. How were you and your family emotionally during those first
22 couple of weeks?

23 A. Just on autopilot, just trying to get through every single
24 day, every hour, just trying to keep up basic functions.

25 Q. Do you remember what happened on the Sunday after Shayna's

F248SOK1

Gould Rine - direct

1 attack?

2 A. Shayna was shot on a Tuesday. We arrived on Wednesday.
3 When I made the initial tickets, I just arbitrarily chose a
4 week on a return flight. So my mother and I and my husband,
5 the Sunday after Shayna was shot -- the ventilator was out and
6 we knew we were in a more positive, she wasn't going to die.
7 She wasn't in a critical state anymore. So the Sunday after we
8 decided that we were going to go out of the hospital -- it's
9 the first time we left the hospital -- and that we were going
10 to go try to see what can do. We needed to go to a travel
11 agent to figure out what we were going to do with these tickets
12 that we had because next Tuesday was coming close and that was
13 the return flight.

14 My husband had a friend who had moved to Jerusalem a
15 couple of years ago. So he was going to meet with him, and we
16 were going to take care of the travel stuff. So we left the
17 hospital. My mother and I left my husband with his friend on
18 the corner of King George and Jaffa Street, and we went to go
19 do our business. And my mother and I eventually returned to
20 the hospital only to hear sirens go off in the hospital. The
21 siren was going off in the hospital to alert the staff that
22 there had been another terrorist attack and they should go into
23 trauma mode. And all the staff has their places that they go
24 into a different -- mostly go down to the emergency room and
25 trauma center.

F248SOK1

Gould Rine - direct

1 My husband was still out and we turned on the
2 television in Shayna's room and they were saying there had been
3 another terrorist attack in Jerusalem, and they had a map up on
4 the television that -- there was a map and there was a little
5 fire symbol on the map and it was on the corner of King George
6 and Jaffa where we had left, the restaurant where I left my
7 husband that he was going to eat lunch with his friend, there
8 had been a terrorist attack at that restaurant. I completely
9 lost it. I felt like there is no possible way that this could
10 happen twice. It was a very changing moment and thinking this
11 could happen twice to us and I didn't know where he was. I
12 thought I lost everything.

13 At the time the cell phone technology -- when there is
14 a terrorist -- at the time when there was a terrorist attack,
15 they would turn off everyone's cell phone because everybody
16 would try to call each other. It was completely -- the system
17 would collapse. So they turn off everybody's cell phone. We
18 couldn't get ahold of him, and it took us about 45 minutes to
19 actually reach him. Thankfully, my husband and his friend
20 decided they didn't want to eat there and they had walked down
21 and decided to eat at a different restaurant, and he was
22 spared.

23 Q. Do you recall that was January 27?

24 A. Yes, it was.

25 Q. What was it like after Shayna came home? How was she?

F248SOK1

Gould Rine - direct

1 A. She was emotionally and physically a completely different
2 person than she was before. I think that the hardest part
3 about coming home is that everybody else is in the normal
4 routine and you kind of assume you're going to go back to your
5 normal routine, but she obviously couldn't. It took about a
6 year to even get back. I think it took her a year to even get
7 to, I don't want to say normal, but fully recovered as far as
8 all of her wounds.

9 She was emotionally a mess, trying to process
10 everything and trying to manage her new body and medication,
11 trying to find the right cocktail to manage her pain, her
12 emotional pain and physical pain. It was a very difficult
13 time.

14 Q. Where was Shayna living during this period?

15 A. She was living with my parents at the time and it became
16 very clear very quickly that it wasn't -- it was difficult for
17 my parents and her to live together. She technically lived
18 with them, but they had a hard time, my parents had a hard time
19 processing everything, coping with everything that had
20 happened, and they just didn't have the skills to really help
21 Shayna in the way she needed to continue with work.

22 It was very difficult. So my sister started living
23 with my husband and I on and off. She would spend long weeks.
24 And so she was officially living at my parents, but she was
25 spending a lot of time at our house, living with us as well.

F248SOK1

Gould Rine - direct

1 Q. What did you have to do to take care of your sister?

2 A. She was pretty much in constant pain and we did everything
3 we could to help her through that on a daily basis. We still
4 had to go to work and live our lives, but were putting a lot of
5 our energy into making sure she was getting to doctors'
6 appointments, taking medication, going to physical therapy,
7 getting all the tests she needed. It was a lot.

8 Q. Where did she sleep in your house?

9 A. Well, she was with us -- the nights were the worst. The
10 nights were really difficult for her. Even with pain
11 management, it was excruciating pain. She had lots of shrapnel
12 that was still moving around in her. As much as the doctors,
13 they saved her life, I think the way they put her back
14 together -- because of the situation they wanted to close her
15 up as soon as possible. It wasn't the best -- I don't want to
16 say anything negative about the doctors that saved her, but the
17 way they did it, she had a lot of pain. She had a lot of
18 chronic pain. And so in order to ease her pain, she needed to
19 be massaged, she needed comfort, she needed somebody physically
20 to be there. So my husband graciously moved into our guest
21 bedroom and let Shayna and I sleep in the bed together at night
22 to try to get her to sleep at night.

23 Q. How was Shayna's mental health during this period?

24 A. The first two years after she got shot it was a really
25 rough emotional time. Things were difficult. She had to

F248SOK1

Gould Rine - direct

1 reframe her entire life, figure out what she was going to do,
2 try to deal with her new body, process everything that had
3 happened.

4 Go ahead.

5 (Continued on next page)

F24TSOK2

Gould Rine - direct

1 BY MS. PILDIS:

2 Q. Do you need a minute?

3 A. She was just trying to figure out what she wanted to do
4 with her life and move forward.

5 Q. At some point did you help her get some therapy?

6 A. Yes, she -- it became very clear to me at a certain point
7 that she wasn't -- she was getting to a very, very dark place.
8 You have to like rethink your entire life. You have a goal,
9 you have something in mind, and everything had been shattered
10 and you have to refocus. And I think she had a very hard time
11 with that.

12 And I realize as days went on, I could see she was
13 spiraling downwards, and I -- really one day I realized that I
14 think she might kill herself. I was very scared, it was
15 getting to that point. So I called her general physician in
16 the morning and I said I'm going over, I'm putting her in a
17 car, you have to tell me where to take her. And he gave me a
18 name, and we went. I just put her in a car and took her
19 somewhere to get help because I thought she was going to end
20 her life.

21 Q. Can you summarize your sister's injuries for me?

22 A. I'm sorry, I didn't hear you.

23 Q. Could I ask you to summarize jury sister's injuries for me?

24 A. Sure, she was shot in her left chest, she had her left lung
25 removed as well some of her ribs had to be removed. She still

F24TSOK2

Gould Rine - direct

1 has shrapnel in her chest as well as shrapnel in her feet and
2 legs. She was standing in a bus terminal when she was shot and
3 other bullets shot up the bus terminal, so all of that
4 collapsing metal ended up in her feet and legs.

5 So about two years after she was shot, she had
6 reconstructive surgery that took out about five pounds of scar
7 tissue that had built up in the initial incision. She had her
8 left -- her chest had caved in, so she had reconstructive
9 surgery to reconstruct her chest area and also to work on some
10 of the scarring on her legs.

11 She still suffers from shooting pains, from chronic
12 pain, from -- to this day she has a lot of shrapnel inside her
13 chest from bullet pieces that are just lodged there
14 permanently. She has trouble breathing. We live in Chicago,
15 so she has trouble breathing in cold weather with her left
16 lung. She's left handed, so sometimes she has problems with
17 her dexterity in her left hand. Her feet and legs throb from
18 the scarring that's there. She had a lot difficult sleeping.
19 She has anxiety. She fears other things will happen to her
20 kids especially. She has nightmares. She's sensitive to
21 noise, loud noises, and she no longer speaks with my mother.

22 Q. Could I ask you to look at the screen and tell me if that
23 is an accurate summary of the things you just described to me.

24 A. Yes.

25 Q. You have spoken a little bit about how this attack impacted

F24TSOK2

Gould Rine - direct

1 your parents. Could you summarize for me what you understand
2 your mother's injuries to be?

3 A. My mother, she still struggles with anxiety. She has had
4 some medical issues since the attack. She now has severe acid
5 reflux. She has difficulty with her weight, blood pressure.
6 She becomes really emotional even with small things. She has
7 nightmares, flashbacks of when Shayna was shot, when she was
8 called. And she and my sister had a very difficult, if any,
9 current relationship.

10 Q. And can you take a look at the screen and tell me if that
11 is an accurate summary of the things you just described.

12 A. Yes.

13 Q. I would like you summarize your father's injuries, please.

14 A. My father -- my father has become more aloof. We have a
15 relationship with him but it's become more difficult,
16 strenuous. And also he cannot take -- loud noises really shake
17 him, and he also has flashbacks.

18 Q. Can you look at the screen and tell me if that's an
19 accurate summary of what you just described.

20 A. Yes.

21 Q. Now I would like to talk about your injuries. Can you
22 summarize for us how the attack has injured you?

23 A. I feel like on that day I gave up -- I was 23 when my
24 sister got shot. I was a newlywed. And I feel like I gave up
25 living my life freely on that day, and I no longer live the

F24TSOK2

Gould Rine - direct

1 same way. I fear something happening again. I have a lot of
2 anxiety about my family specifically. I'm strangely attached
3 to my cell phone, and being today here without a cell phone is
4 really hard. I make my husband text me whenever he goes
5 anywhere and whenever he arrives. He's great about it, but I
6 know it could be difficult. I sometimes don't go places
7 because I fear something will happen if we go there.

8 And it changed my level of awareness about life, and
9 instead of just being kind of like carefree about things, I
10 always -- when we go out to eat, I always want to sit near
11 the exit. I always want to make sure that I know how to get
12 out. It's kind of like you spend a lot of energy managing the
13 anxiety to this day. And it just affects -- it still affects a
14 lot of the decisions that I make on a daily basis, and with the
15 current climate, among other things, my husband and I decided
16 to take our kids out of school last year, and we're now home
17 schooling them. We feel it's safer.

18 Q. Where did they go to school before you decided to home
19 school them?

20 A. They went to a Jewish private day school.

21 Q. And why did you decide to home school them?

22 A. I was concerned -- I wasn't really happy with the security
23 situation at their school. I found myself spending a lot of
24 energy worrying about them during the day, and I wanted -- I
25 just felt like -- I felt better, easier, I could be a better

F24TSOK2

Gould Rine - direct

1 mom and a better person if I let that anxiety go, and the best
2 way to do that was to home school them.

3 Q. Do you have flashbacks to seeing your sister in a hospital?

4 A. I do sometimes, not as much as I used to. But I tend to
5 like -- like my mind drifts and it's never in a positive way.
6 I try to manage it, but you do the best you can.

7 Q. Is this an accurate summary of what have you just described
8 as your injuries?

9 A. Yes.

10 MS. PILDIS: I would like to mark the summaries as
11 Exhibit 1269 as offer them in evidence.

12 MR. ROCHON: No objection.

13 THE COURT: They will be admitted into evidence.

14 (Plaintiff's Exhibit 1269 received in evidence)

15 Q. How often do you think about the attack?

16 A. I think that -- I try not to think about the attack very
17 often, but I think about the threat of something like that
18 happening again almost every day.

19 Q. Do you think the impact on you has been different because
20 this was terrorism?

21 A. Yes.

22 Q. Can you describe how it's been different?

23 A. Well, it's interesting because from the beginning our
24 family -- somehow it became known as the accident. I always
25 thought that was so strange, because it wasn't an accident, it

F24TSOK2

Gould Rine - direct

1 isn't a car accident that happened, because this was done on
2 purpose. This wasn't an accident.

3 Q. Do you still speak with your sister every day?

4 A. Yes.

5 MS. PILDIS: I have no further questions.

6 THE COURT: Any questions, Mr. Rochon?

7 MR. ROCHON: No, sir.

8 THE COURT: Thank you, ma'am, you may step down.

9 Plaintiff call its next witness.

10 MR. YALOWITZ: Your Honor, our next witness is Ron
11 Gould. Ms. Pildis again will conduct the direct examination.

12 THE COURT: Sure.

13 MR. YALOWITZ: I will step out and retrieve him.

14 THE COURT: Okay.

15 RON GOULD,

16 called as a witness by the Plaintiffs,

17 having been duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MS. PILDIS:

20 Q. Good morning, Ron.

21 Where are you from?

22 A. Chicago, Illinois.

23 Q. Where did you grow up?

24 A. Skokie, Illinois.

25 Q. Where do you live now?

F24TSOK2

R. Gould - direct

1 A. I live back in Chicago.

2 Q. Are you a U.S. citizen?

3 A. I am.

4 Q. What do you do for work?

5 A. I own a commercial photo studio.

6 Q. I would like you to take us to the day that your daughter
7 was shot. What was that day like for you, starting first thing
8 in the morning?

9 A. A normal day. I was in my car. I was leaving a camera
10 store. I was crossing the bridge over the Chicago River at
11 Division Street, and my cell phone rang and it was the
12 principal of Shayna's school. I was surprised, I never
13 received a call from him before, so I pulled over and he said
14 there had been an incident. I believe his exact words were
15 that she was gravely injured or gravely wounded, and we needed
16 to get to Israel as fast as possible.

17 Q. What was your reaction?

18 A. I tried to get more information from him, but he didn't
19 have any. But from the tone of his voice and his words, it was
20 a bad situation and I needed to get our family there as soon as
21 we could.

22 Q. What did you do next?

23 A. I went back to my office, and I believe I called Jessica
24 first because that would have been the easier phone call to
25 make. She was an office manager at a company, so I knew she

F24TSOK2

R. Gould - direct

1 did a lot of travel planning, and she took on the
2 responsibility of getting the tickets to get us to Israel. And
3 then I called Elise's school and asked for the principal, who I
4 knew in passing, and told her of the situation, that she should
5 bring Elise out of class into the office, but she should be
6 there with her when I told her what the news was.

7 I limited the amount of information that I gave her,
8 to Elise. I just couldn't -- I just couldn't bring myself to
9 tell her the full extent of Shayna's injuries. So I could tell
10 she had broken down and was crying, so I was given back to the
11 principal, and she had another teacher drive Elise home. We
12 got our things together. Jessica made the arrangements for the
13 tickets, and we headed to the airport.

14 And it was a long flight because it was from Chicago
15 to Heathrow, and then we had to change planes to Tel Aviv. And
16 I remember that I was carrying this weight of knowing how bad
17 Shayna had been hurt, but I just didn't have the ability to
18 share that with them at that point. So when we got to Heathrow
19 I kept looking for a pay phone so I could call the hospital and
20 check on her condition. And I finally got through, finally got
21 someone who spoke English, and they said that she was still
22 alive but her condition was critical.

23 Q. What happened when you arrived at the hospital?

24 A. Well, I remember first thing that we were taken right off
25 the plane, we didn't go through customs and immigration. There

F24TSOK2

R. Gould - direct

1 was a car waiting for us and it took us at a phenomenal rate of
2 speed from Tel Aviv to Jerusalem. When we got to the hospital
3 they took us to the intensive care unit.

4 Shayna was -- they had only two like private ICU
5 rooms, and Shayna was in one of them, and there were tubes and
6 wires everywhere, nose, mouth, there was all kinds of drains in
7 her. And she had -- she was just starting to regain
8 consciousness after we got there.

9 And I remember the doctors pulled us aside and said we
10 were able to save her life but we don't know what kind of life
11 she is going to have, because she totally bled out, and they
12 were concerned about brain damage. And because of the
13 circumstances and how Shayna got to the hospital, she was not
14 taken to the emergency room because they radioed ahead this was
15 very critical. They brought her right to an operating theater,
16 and the doctors that were waiting didn't have time to put masks
17 and gloves on. I remember Dr. Deeb telling me he put his hand
18 in her chest to massage her heart bare handed, it was that
19 critical. And he also had said that they had to put a large
20 line in her leg to get to an artery that hadn't collapsed to
21 try to get fluids back in her. So they didn't know if she
22 survived, it may not be the same Shayna that we brought to
23 Israel is I think the way he put it.

24 Q. How were you feeling during those first couple of days in
25 the hospital?

F24TSOK2

R. Gould - direct

1 A. Despondent. The way it was arranged, I stayed at her
2 bedside probably 20 hours a day. They had a room for us at the
3 hospital where I slept for a few hours. It was impossibly
4 difficult because she was there but she wasn't there yet. When
5 she would wake up, I call it the Groundhog's Day, because every
6 time she woke up -- the movie -- she wouldn't know if she was
7 still in Israel or moved back to America because she would will
8 see Elise and I there and Jessica, so she had no concept of
9 where she was.

10 And I had to explained to her, very gently at first,
11 what had happened to her, that there had been an accident, she
12 was in the hospital. And she would probably go back to sleep
13 for a while, and then she would wake up and had absolutely no
14 recollection of any conversation and still didn't know where
15 she was. And this went on for days until finally she was at a
16 point where she could try to retain some of what had happened
17 to her.

18 Q. After Shayna returned home, what was life like for her in
19 her first couple of months back in the United States?

20 A. The injuries -- well, what the doctors said to me when we
21 were in Israel was they had -- like Humpty Dumpty, they had
22 patched her back together. A large part of the bullet went in
23 here, and when it went out it took out a section of her back
24 and left side, and she's left-handed. So by putting her back
25 together again, it severely limited the use of her left arm.

F24TSOK2

R. Gould - direct

1 She couldn't raise it without absolute pain that was completely
2 debilitating and had her on the floor writhing in pain. And I
3 remember once she tried, because she felt she had to, and it
4 kind of locked, and just don't know what to do. Finally she
5 was able to get it to a position that she was in better shape
6 to move, but it was like that all the time.

7 She was severely handicapped on her left side, and it
8 was because of the other injuries that were part of this. She
9 had lost all her left lung. You learn a lot when something
10 like this happens. I guess there's two lobes to the left lung,
11 and it's the larger of the two, and she lost them both. So
12 breathing was difficult.

13 She had shrapnel in both her feet, because I guess
14 when the gun was shooting, the automatic weapon, pieces of the
15 asphalt lodged in her feet. So she had scars on both her feet,
16 and shrapnel was left in her feet, shrapnel was left in her
17 shoulder, and it caused her constant chronic pain.

18 Q. How would you describe her pain level?

19 A. Well, they used the one to ten level, and I think sometimes
20 she was at eleven. It was constant. She was finally put on
21 heavy-duty painkillers because that's all they could do for
22 her. But it masked it, it didn't make it go away. And it was
23 still really difficult for her just to live, to sit up to move
24 to do anything normal, especially, again, because she was
25 left-handed.

F24TSOK2

R. Gould - direct

1 Q. How was it for you as a parent to observe your child in
2 this state?

3 A. It was awful. I mean you can't -- you're there, but you
4 can't do anything to help. Frustrating. It was impossible.
5 It was -- what do you do when there's nothing you can do? We
6 brought her to doctors, and finally they said -- and they said
7 this in Israel that she would need more surgery, but we should
8 wait at least a year to let what had happened settle, so to
9 speak. For example, because there was no left lung anymore,
10 that area had filled with fluid. That's just what the body
11 does. The doctor said nature abhors a vacuum. So a lot of her
12 internal organ shifted to this new big area that was left empty
13 by the removal of the lung and it filled with fluid. So it was
14 tough for her.

15 Q. I would like to show you a document that has been marked as
16 Exhibit 417. It should be on the screen in front of you.

17 A. There it is. I know what that is.

18 Q. Can you identify what that document is?

19 A. Yeah, when Shayna was back in the United States, we finally
20 found a surgeon that was willing to operate on her. Many were
21 not because of the fluid sack from the lung, but we found a
22 wonderful, wonderful doctor who was the head of the department
23 who was willing to operate on her. And this was an X-ray that
24 he pulled out. It might have been during the surgery. I
25 remember he came out about three or four hours during the

F24TSOK2

R. Gould - direct

1 surgery to show us what he was able to do and what he would not
2 be able to do.

3 MS. PILDIS: Before you go any further, the plaintiffs
4 would like to submit the document in evidence.

5 MR. ROCHON: No objection.

6 THE COURT: It will be admitted into evidence.

7 (Plaintiff's Exhibit 417 received in evidence)

8 A. So there's Shayna. So the big black area on your left is
9 where the lung was that is filled with fluid. You see on the
10 right-hand side some of the ribs are broken and there are
11 sections that are missing. They had to remove the sections of
12 those ribs so they could pull out the other lung and they could
13 do other things that they needed to do.

14 What they did, though, was they left them broken and
15 sharp, so when Shayna would move, those ends were moving and
16 they were pinching her from the inside all the time no matter
17 what moves that she made. That was corrected during the second
18 surgery, so she went over a year or more of putting up with
19 every time that she moved.

20 Those dots, if you move that cursor lower, that is
21 shrapnel that was left in her from when the bullet exploded the
22 ribs and finally went out her back.

23 So when the doctor came out, Dr. Fenner, after, like I
24 said, the three or four hours, he said he was able to
25 correct -- he was able to shave those down, the ribs. He was

F24TSOK2

R. Gould - direct

1 able to be correct the scar in her back that was like 14 inches
2 around that -- again, they took the skin that was left and they
3 pulled it together, and the stitches were really big and the
4 scar was really, really hard, really, really hard. It made it
5 difficult for her again to move, and he tried to correct that.
6 But he said he couldn't get all the shrapnel out. Some was too
7 far in, and we would just have to wait for it to move its way a
8 little closer to the surface, and maybe at some point in time
9 they would try again to get some of it out. There was also
10 shrapnel left in both her feet that was too far in for them to
11 get. I think that covers that.

12 Q. You talked a little bit about Shayna's pain medication
13 before the reconstructive surgery. What type of medication was
14 she on?

15 A. I didn't realize how much she was on. She's pretty stoic,
16 and I didn't -- either my wife would take her to the doctor or
17 I would, and there was a lot. So we went to a pain medication
18 physician at the hospital and we brought two bags of all the
19 prescriptions that she was taking. And one by one, the doctor
20 would take it out and write down what it was, he would ask
21 Shayna how much are you taking and when are you taking it. And
22 he would go to the next one and the next one and the next one.

23 And as you'll see, Shayna is five foot nothing. Don't
24 tell her I said that. And he said, after he looked at it, he
25 said you're not -- something is wrong here, you're not telling

F24TSOK2

R. Gould - direct

1 me -- something is incorrect here. No one could be taking this
2 much pain medication and still be walking around. But she was.
3 She was constantly on all kinds of heavy duty stuff.

4 Q. And was she still in pain?

5 A. Yes. They masked it. There was too much and too many
6 things going on with her that there was no pain medication that
7 was going to make it all go away and make her be able to move
8 normally again and not have those ribs poking at her until
9 after the second surgery.

10 Q. Can you describe her pain after reconstructive surgery?

11 A. It was there, it was still chronic, but it was more
12 tolerable. He shaved the ribs so they weren't poking her, and
13 I don't know how, he was a magician at taking that very thick,
14 long scar that started at her back and went around I think 14
15 inches to her side and reducing that somehow so she was more
16 pliable. But she still had -- again, she's left-handed, and
17 the ability to raise and use her left arm was always -- it
18 happens to this day.

19 Q. What are her physical scars like?

20 A. There's a 14-inch scar from like her left shoulder blade,
21 comes around down underneath into the chest where they went in
22 for the ribs. That one still affects her motion, but the
23 one -- she has two on her feet facing forward that look like
24 something out of the movie Frankenstein. They are really
25 noticeable. And I remember she told me once she was on the

F24TSOK2

R. Gould - direct

1 train going downtown to school, and she was wearing sandals in
2 the summertime, and she saw people staring at her feet because
3 they were really objectionable, and she felt very embarrassed
4 about that. She hadn't notice that before, but then she
5 started to notice it more and more. And there's still shrapnel
6 in her feet, and I think they got most of that.

7 Q. You mentioned Shayna's memory loss, when she was in the
8 hospital. Does she still suffer from memory loss now?

9 A. Yes, short term, short-term memory loss. It was really
10 affecting her when she went back to school because they had to
11 make a couple of accommodations. They had to make
12 accommodations so she could get from classroom to classroom.
13 The building was an old elevator building, and so they -- the
14 students were supposed to take the stairs, there was no way she
15 was going to take the stairs. They were fine with that. But
16 the way she was taught, there had to be accommodations made
17 because the short-term memory wasn't there anymore, and she
18 couldn't retain something she just learned and repeat it on a
19 test. And they were understanding and made accommodations.
20 And it's still part of her life that the short-term memory
21 stuff just isn't there.

22 Q. How has the attack changed you?

23 A. Subtle and not subtle ways. The not subtle ways are for
24 the longest time -- it's better, but still when an ambulance
25 goes by, it gets me right back into the ICU in Israel. Every

F24TSOK2

R. Gould - direct

1 time an ambulance goes by, that does that.

2 And also I wasn't a squeamish person. Part of my job,
3 I was photographing actual surgeries for doctors in ORs where I
4 was masked and garbed just like the physicians were taking
5 pictures of inside of people so doctors would have good photos
6 to teach with. Not only can I not do that part of my business
7 anymore, I can't even watch a cartoon shot. I can't handle
8 anything -- I can't handle anything that has to do with it.
9 The shows now where they show parts of autopsies, whatever the
10 TV show is, I pass, I can't deal with anything like that, so I
11 try to avoid it all.

12 Q. Is it different for you because this was a terror attack?

13 A. Yes. If she had just gone in for a routine surgery or she
14 had her children, that's one thing, but this is all part of
15 having to fly over there, having to deal with her, the days and
16 then weeks and then months and then years afterward. So it's
17 all part of her attack.

18 Q. How often to you think about the attack?

19 A. Again, it depends on how many ambulances go by that day. I
20 guess less than a year ago or less than five years ago, but
21 it's still very prominent in my memory and in my thinking.

22 Q. Can you describe Shayna's -- can you describe how the
23 attack has impacted Shayna emotionally?

24 A. Let me bring an example. We were leaving the school where
25 Shayna was going to be going, I was downtown with her, Michigan

F24TSOK2

R. Gould - direct

1 Avenue, beautiful bright sunny day, and the school is close to
2 the art institute, going out of the building, and there was a
3 UPS truck parked there that had one of the big metal lifts, and
4 somehow he knocked it over, and the handle hit the concrete
5 with a real sharp sound. Shayna collapsed, collapsed on the
6 sidewalk, wasn't -- beyond tears. I couldn't even pick her up.
7 It had made such an impact on her at that moment that she had
8 just fallen apart.

9 And I saw smaller things like that happen, but that is
10 one that sticks in my head because it was so profound and her
11 reaction was so devastating. I finally had to try to pull her
12 to the side of the building and try to calm her down enough so
13 she could stand. It took a while.

14 MS. PILDIS: I have no further questions, thank you.

15 THE COURT: Any questions, Mr. Rochon?

16 MR. ROCHON: No, thank you.

17 THE COURT: Thank you, you may step down.

18 MR. YALOWITZ: Your Honor, we'll need three to five
19 minutes to collect our next witness. Would the Court like to
20 take a break?

21 THE COURT: Sure. We'll take a break at this point.

22 Ladies and gentlemen, don't discuss the case, keep an
23 open mind, and we'll bring you back in in about ten minutes.

24 (Recess taken)

25 (Continued on next page)

F24TSOK2

(Jury not present)

THE COURT: Could we bring the witness back?

MR. YALOWITZ: Mr. Gould back?

THE COURT: No, the next witness.

MR. YALOWITZ: Before we call the next witness, your Honor, I need your help. We have a 72-hour rule for exhibits that are going to be offered in evidence --

THE COURT: Stop.

Mr. Rochon, when do you intend to give him notice, if you're going to call witnesses on Monday, the likely witnesses?

MR. ROCHON: We handed him the list of witnesses for Monday.

MR. YALOWITZ: So we got that late.

THE COURT: What else do you need?

MR. YALOWITZ: And we asked them about what your exhibits, and they said we'll get you that later sometime later.

THE COURT: When are you going to give him exhibits?

MR. ROCHON: Should be later today. I know -- I don't want to get in a big argument about this. We haven't gotten the same from him throughout. I should have that later today, the latest tomorrow. And that's better than we have gotten during the trial.

THE COURT: The exhibits that you have associated with those witnesses, you should give them that list today. You can

F24TSOK2

1 refine that list by dropping exhibits off that list tomorrow if
2 there's a reasonable basis to do so.

3 MR. ROCHON: Your Honor, we did not get that during
4 their case.

5 THE COURT: And you complained about it as loudly as
6 they are complaining about it. That's why I'm trying to create
7 a solution so we can move forward efficiently. Is there some
8 problem with what I asked you to do?

9 MR. ROCHON: We should be able do it, and if we need
10 to add one we will certainly raise it with them and you if --

11 THE COURT: That sounds reasonable.

12 MR. YALOWITZ: Your Honor, may I just ask Mr. Rochon
13 one thing?

14 THE COURT: No, you can ask him when you talk to him
15 directly face to face off the record. Off the record. Don't
16 waste my time, you ask him if there's a problem.

17 MR. YALOWITZ: Let's bring the jury in.

18 THE COURT: Let's bring the jury in.

19 (Continued on next page)
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F24TSOK2

E. Gould - direct

(Jury present)

THE COURT: Mr. Yalowitz, call your next witness.

MR. YALOWITZ: Thank you, your Honor, the plaintiffs
call Elise Gould.

ELISE GOULD,

called as a witness by the Plaintiffs,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. YALOWITZ:

Q. Elise, pull yourself up close the microphone so you could
be heard throughout the courtroom, and just tell the jury,
first of all, where were you born?

A. Chicago, Illinois.

Q. And are you a U.S. citizen?

A. Yes, I am.

Q. Now where did you grow up, Elise?

A. I group up in Skokie, Illinois.

Q. What was your family like growing up?

A. Traditional family, suburban, went to public school
throughout high school, and then I went to college.

Q. Where did you go to college?

A. Northern Illinois University.

Q. Is that -- how far is that from Chicago?

A. It's about 65 miles northwest of Chicago.

Q. Were -- did you have siblings growing up?

F24TSOK2

E. Gould - direct

1 A. I did, I have three siblings growing up, all sisters.

2 Q. Now who was the oldest?

3 A. I am.

4 Q. And just tell the jury who your sisters are or were?

5 A. I have sister Rene, who was born in '53, a sister Sharon,
6 who was born in '57, and a sister Michelle, who was born in
7 '60.

8 Q. And are all those -- all three sisters still alive today?

9 A. No.

10 Q. What happened?

11 A. When I was a freshman in college my family came to visit,
12 and I was 19 at the time, and they came to visit for a birthday
13 party for me. And on the way to dinner that evening, a drunk
14 driver hit us head on. And my family was -- my entire family
15 was injured at the time, and my sister lost her life, my
16 16-year-old sister lost her life.

17 Q. How did that affect you and your parents?

18 A. It has affected us to this day. My two other sisters and I
19 talk about it quite a bit. My parents are both deceased at
20 this time, but it affected them every single day of their lives
21 until they passed away.

22 Q. Did you marry and have a family of your own?

23 A. Yes, I did.

24 Q. And just tell us a little bit about your daughters Jessica
25 and Shayna.

F24TSOK2

E. Gould - direct

1 A. Well, I have two daughters, Jessica and Shayna. Jessica
2 now is married and has three children, and Shayna also is
3 married and has three children. They were raised in suburban
4 Skokie, much like I was, they went to public school, went on to
5 college.

6 Q. Who is older, Shayna or Jessica?

7 A. Jessica is the oldest.

8 Q. And why don't you take us to the time period of Shayna
9 studying abroad. Just tell us a little bit about her time
10 studying abroad.

11 A. She decided not to go straight on to college and wanted to
12 go to Israel to study how to be more observant in the Jewish
13 religion, and chose to go to a girls yeshiva to study. She
14 came back that summer and worked hard to raise money to go back
15 for a second year.

16 Q. Did she enjoy her time there?

17 A. Very much so.

18 Q. Was she a social person?

19 A. Very much.

20 Q. And did she travel around with her friends and like that?

21 A. Absolutely.

22 Q. Now was she -- how would you describe her personality? Was
23 she heavy? Was she carefree? What was her personality?

24 A. Pretty much carefree. She liked to go visit her friends.
25 She liked to visit the country. And we encouraged that.

F24TSOK2

E. Gould - direct

1 Q. So let's go to January 22, 2002. What day of the week was
2 that? Was it a weekday?

3 A. I'm guessing it was Tuesday.

4 Q. Were you in school?

5 A. I was in school. I teach elementary school, and I was in
6 class, and --

7 Q. By the way, what do you teach?

8 A. Computer science.

9 Q. Okay. So you were in class, like just going about your
10 ordinary life?

11 A. Everything was just as any other day would be. My students
12 were in the class. I think they were kindergarten students,
13 I'm not quite sure, but someone came down to my classroom to
14 the lab and said you are needed in the principal's office.

15 Q. So were you concerned at that point?

16 A. Very concerned, because you don't just get called to the
17 principal's office like that in the middle of class.

18 Q. When you got to the principal's office, was it just you and
19 the principal?

20 A. Me, the principal, the secretary and the health clerk.

21 (Continued on next page)

F248SOK3

E. Gould - direct

1 Q. What did they tell you?

2 A. They asked me to sit down at the principal's desk, which
3 again is very abnormal, and they said they had a phone call. I
4 said OK. I actually thought it was the superintendent.

5 Q. Who did it turn out to be?

6 A. It turned out to be my husband.

7 Q. What was the tone of his voice?

8 A. Very somber, very slow in speaking. I could tell that he
9 was upset about something.

10 Q. What did he tell you?

11 A. He said to me that Shayna had been hurt in a shooting, and
12 I just kind of stopped and I went, is she OK? And he said, not
13 really. And I said, well, what does not really mean? And he
14 said, well, we need to go and see her. I said, OK, so what do
15 you want me to do? So he had a plan already. I guess he had
16 contacted my daughter Jessica. And we all met at my house.

17 Q. I just want to stay for one more moment with you sitting in
18 the principal's office at that desk holding that phone. I just
19 want you to tell us what you were thinking and how you were
20 feeling.

21 A. Scared, worried, not knowing any information yet, what had
22 happened, I had not known. I was frightened. The unknown is
23 very hard to deal with.

24 Q. How did you get home from school that day?

25 A. I wanted to drive myself back but the principal wouldn't

F248SOK3

E. Gould - direct

1 allow me to. He saw that I was shaking, and he asked a
2 secretary to drive me home and had a custodian follow me
3 back -- to follow the secretary back.

4 Q. Do you remember much of the day when you got home? Do you
5 remember that day much?

6 A. I got home about 12:00, I think, and we were only home for
7 three hours, and it was frantic. I called my sister. I said,
8 You need to get over here and help me, and I told her why. And
9 she was over there in five minutes. She was doing the packing.
10 I was doing the calling, trying to make arrangements for us to
11 get out of the house, security purposes at my house. Jessica
12 had taken care of the plane tickets so that was done.

13 Q. When you got on the plane, first of all, how long of a
14 plane ride was it for you and your husband and daughter?

15 A. It was long. I don't know how many hours it is. We went
16 from Chicago to Heathrow in London and had to switch planes in
17 London to Tel Aviv.

18 Q. Was your son-in-law with you as well, so the four of you
19 were traveling?

20 A. Yes.

21 Q. Just tell us about your thoughts as you sat on that
22 airplane trying to find out what was going on with your
23 daughter?

24 A. It was very difficult during that time for me. All I
25 thought about was just to please let her live. I wasn't even

F248SOK3

E. Gould - direct

1 concerned with how she was going to live, but that she would
2 just live. Because knowing what my parents went through,
3 knowing what my siblings went through, knowing what I have been
4 through, and trying to put my sister's death in the background,
5 I didn't want this to happen to my family all over again.

6 We had no knowledge, of course, while we -- on the
7 airplane there was no knowledge or any way to reach anybody in
8 the hospital to find out how things were progressing. And if I
9 recall correctly, the doctors who we had spoken to before we
10 left my home said that they weren't sure if we were going to
11 get my Shayna back. That was the hardest part. They weren't
12 sure she was going to live and it was crucial for the first 24
13 to 48 hours. And they weren't sure that if she lived what she
14 would be like.

15 Q. Take us to the hospital.

16 A. We walked in the hospital. She was in ICU in an individual
17 room. That's when I lost it for the first, just seeing her was
18 enough. She was laying in her bed. There were wires coming
19 out every which way, monitors all over the place. She couldn't
20 speak to us. It was horrifying.

21 Q. Did the doctors tell you anything about her condition when
22 you arrived?

23 A. Other than that, the next 48 hours were crucial to
24 determine in what condition she would be with all the tubes out
25 and everything.

F248SOK3

E. Gould - direct

1 Q. How long was Shayna in the hospital?

2 A. Two weeks.

3 Q. How were those two weeks for you and your family?

4 A. Very difficult. We were told to monitor her. We were told
5 to watch all the numbers and if there were any problems to
6 please call the nurses, even though the nurses were right
7 there, but we never left her side. There was always one of us
8 there. My husband I think was there 24 hours a day except when
9 I made him go take a nap one time. And I was there and my
10 daughter was there. We just stayed with her. That's what a
11 mother does to begin with, but that's what we did.

12 Q. Can you describe the scar that Shayna had?

13 A. It starts from the upper part of her, I don't remember, one
14 shoulder. I can't remember which one. She was shot in the
15 left shoulder, but I think the scar starts on right shoulder.
16 It comes all the way around on the back on an angle and left
17 side.

18 Q. Did you take a photograph of her wound at some point?

19 A. I did.

20 Q. What was happening when you took that photograph?

21 A. At that time I photographed the doctor taking out the
22 staples from her scar.

23 Q. I would like to show you Exhibit 414. We just need a
24 minute to get it up on the screen.

25 Do you see that?

F248SOK3

E. Gould - direct

1 A. Yes.

2 Q. Is that the photograph you took?

3 A. Yes, it is.

4 MR. YALOWITZ: Plaintiffs offer 414.

5 MR. ROCHON: No objection.

6 THE COURT: It will be admitted in evidence.

7 (Plaintiffs' Exhibit 414 received in evidence)

8 Q. Is that the photograph you took, Elise?

9 A. Yes.

10 Q. Where were you when you took that photograph?

11 A. We were in the hospital. As you could tell, he was taking
12 staples out from her scars.

13 Q. How did you feel watching that happen?

14 A. I don't think words can describe how I felt. It was just
15 very difficult to watch her. She was screaming at every staple
16 that was being removed.

17 Q. How long did the procedure last?

18 A. I would say about 45 minutes.

19 Q. I want to take you to the day that Ron and Jess and her
20 husband went back to Chicago. What was your plan at that
21 point?

22 A. Well, going to Israel we had no plans other than being with
23 Shayna. We didn't know where we were going to stay. We had
24 nothing. There was nothing to plan.

25 A week later, my husband left. He needed to come back

F248SOK3

E. Gould - direct

1 to Chicago for business purposes. So he left on a Wednesday.

2 Jessica and her husband left on Saturday night after that. And

3 I was alone for the remaining time we were in Israel.

4 Q. Do you speak the language?

5 A. Not at all.

6 Q. Do you read the writing?

7 A. No. I read the writing, but I don't understand what I am
8 reading.

9 Q. What were your feelings at that moment?

10 A. Scared, worried. I didn't know -- after she was released
11 from the hospital, I had no idea where we were going to stay,
12 had made no arrangements, didn't know how to make the
13 arrangements, had no idea how long I would have to be in Israel
14 with her. Everything was unknown. It was day to day of what
15 to do and how to proceed.

16 Q. How were you getting along with Shayna in those first few
17 days?

18 A. For the first few days we were OK. When Jessica and her
19 husband left, the remainder of the week in the hospital was OK,
20 because it was really the hospital personnel who was taking
21 care of her and I was there for support and just being there as
22 her mom. But afterwards, when the doctors released her from
23 the hospital, what they said was that they didn't want her to
24 leave the country. They wanted her to remain and she would be
25 an outpatient. So she was still technically a patient of the

F248SOK3

E. Gould - direct

1 hospital and of the doctors, but they didn't want her to stay
2 in the hospital.

3 Q. Did you feel at that point that she was strong enough to
4 make that journey home?

5 A. It wasn't my decision. It was the doctors' decision. They
6 did not want her flying home. They didn't think that she could
7 sustain an airplane flight due to the loss of her lung.

8 Q. Now, when Shayna was discharged from being an inpatient,
9 what did you do?

10 A. The Israeli government made arrangements for us to stay in
11 a hotel. At first they said we would stay at one hotel and
12 that I could go see it. And I went to see this particular
13 hotel and I said, you know, this is not going to be good.
14 There was nobody in the lobby. There was nobody around. And I
15 felt like I was already alone and to have to go down to a lobby
16 or go down anywhere and not find a single soul, I was a little
17 concerned. So they put us in a little better hotel, one room,
18 two beds, and we stayed there for four more weeks.

19 Q. How was that for you and Shayna?

20 A. It was difficult. The doctors wanted her to try to get
21 back to normal life as possible. They did not want her to go
22 back to her dormitory. So she wanted her friends to come visit
23 her. At some point we had a few arguments about her friends
24 coming to visit, whether they would stay overnight or not, and
25 I just felt that with her physical condition that wasn't the

F248SOK3

E. Gould - direct

1 wisest thing to do.

2 Q. Just describe your state of mind with regard to your
3 concern about Shayna's physical condition.

4 A. Well, again, you bring other people into the situation, you
5 don't know what they have, if they have a cold or whatever.
6 But my problem was that I was alone. I had nobody to talk to,
7 to commiserate with. I had nobody to share my feelings with.
8 Shayna slept in pretty much every day, which I thought was a
9 great thing for her recuperation, but I spent my time alone in
10 the lobby just watching people, which is why I wanted some
11 action.

12 Q. Was Shayna trying to get back to a normal routine as
13 quickly as she could?

14 A. Very much so.

15 Q. Was that a point of worry for you as her mom?

16 A. Yeah. Yes. As much as teenagers want to do, they want to
17 get to wherever they were. She wanted to go to the college and
18 see all her girlfriends and whatnot. And I kept asking the
19 doctor when she can do that, if she can do that. And he said,
20 yes, she could do that, but it towards the end of our stay.

21 Q. Was there a night where Shayna wanted to go out with her
22 friends and you had worry and concern about that?

23 A. Yeah. That was probably the worst night of all. She
24 wanted to go out. I said fine. This was towards the end of
25 the time there so the doctors had said it would be fine. She

F248SOK3

E. Gould - direct

1 came late. I asked her to come home at a reasonable hour and
2 her reasonable hour and my reasonable hour were two different
3 things, but she had not come home.

4 Q. What time were you hoping that she would arrive? What time
5 did you start looking for her?

6 A. About midnight.

7 Q. Did you wait up past midnight?

8 A. I was up till 4:00 in the morning until I saw her.

9 Q. Just describe your state of emotion as you waited that time
10 from midnight to 4 a.m.

11 A. I tried to call my husband and I did get ahold of him, and
12 I told him what was going on. His answer to me was, What do
13 you want me to do? I'm here, not there. You need to handle
14 this yourself. I said thanks. We hung up and I tried to call
15 a friend. Unreachable. I tried to call the hospital, to the
16 social worker. They were not available. I just had nobody.

17 Q. What were you worried about?

18 A. Her well-being, whether she was going to get hurt again,
19 whether she was going to collapse or just fall. She had to be
20 careful with how she was walking. This is before the staples
21 had been removed so she had to be careful of her scars.

22 Q. Did you wind up calling the authorities?

23 A. I tried but no answer. I couldn't even tell anybody where
24 she was. We had no communication. We only had one cell phone.
25 She didn't want me calling her friends because of financial

F248SOK3

E. Gould - direct

1 reasons. We had an argument about that. I was just scared,
2 concerned for her well-being, health, not knowing where she
3 was. It's very different when you're in a city that you have
4 no knowledge of any landmarks or the language or knowing what
5 your kid could be getting into.

6 Q. Elise, I want to take you now to Shayna's recovery back in
7 Chicago.

8 A. OK.

9 Q. Did Shayna return home and stay with you at that time?

10 A. She did, yes.

11 Q. Just describe your routine during the initial recovery
12 period that Shayna was going through.

13 A. Again, as a teenager and one who was not 100 percent well,
14 she slept late. I would go to school. I am fortunate enough
15 to live very close to school. So I am able to go home during
16 lunch if I want to, and I usually did at least the first month.

17 Q. Why did you go home at lunch?

18 A. I was very concerned that she was by herself, that she
19 would be OK. I was checking in on her and just making sure
20 that she got up in the morning. There was one time that I was
21 concerned that I wouldn't find her alive at home because I
22 thought if she slept so late and something happened. There
23 were a myriad of things that could have happened. So I went
24 home every day for the first couple of weeks.

25 Q. Was she taking a lot of medication at that time?

F248SOK3

E. Gould - direct

1 A. Yes, extremely a lot.

2 Q. Did that concern you?

3 A. Very much so.

4 Q. How was it for you returning to work after lunch in those
5 days when you had to leave Shayna alone at home?

6 A. It was very difficult for me to go to school, to go back to
7 the routine working. It just so happens the first day I went
8 back was a teacher's institute where we were learning CPR. So
9 that was kind of a weird situation, and I kept saying, I asked
10 the people, what happens if you have a person with one lung,
11 how do you do CPR on that kind of person? And they kind of
12 chuckled. And I said, it's not funny, but I have that
13 situation to deal with at home now.

14 Very honestly, it was hard for me to go back, but
15 being an elementary teacher, if you know anything about little
16 children, they keep a smile on their face no matter what.

17 Q. Elise, how was your interpersonal relationship with Shayna
18 at this time?

19 A. It was difficult. She did not want to be back at home.
20 She wanted really to stay in Israel. It was the doctors'
21 decision not to have her stay there. And between her and I, we
22 just argued almost every single day about her treatment and
23 what she was supposed to do, which she did, she did what she
24 was supposed to do to help herself recuperate and recover to
25 what she is today, but we just had mother/daughter arguments

F248SOK3

E. Gould - direct

1 constantly.

2 Q. How did that make you feel?

3 A. Horrible.

4 Q. Did you have those kind of arguments when Shayna was
5 growing up?

6 A. Over academics and some behavioral issues, but mostly
7 academics.

8 Q. Did there come a night when you heard Shayna crying alone
9 in her room?

10 A. She was watching television and screaming every three or
11 four minutes. I walked in the bedroom and said what in the
12 world are you watching? She was actually watching a
13 documentary about 9/11. She had never seen anything related to
14 that incident.

15 Q. Just describe her emotional state in that moment.

16 A. She was a wreck, an emotional wreck. And I said to her, I
17 am happy to sit down and watch it with you. We did for a while
18 and then after a few minutes I said to her, Maybe you should
19 watch this another time? She said, No. She wanted to continue
20 watching it because at her school there were no televisions so
21 she had no knowledge of any of that.

22 Q. Elise, I want to ask you a little bit about where you are
23 today and how the terror attack has affected you personally.

24 Do you have trouble with sleep?

25 A. I haven't slept a night yet.

F248SOK3

E. Gould - direct

1 Q. Did you have that trouble before the terror attack?

2 A. Not very much, no.

3 Q. Do you have nightmares?

4 A. Yes.

5 Q. Is that a new development after the terror attack?

6 A. I'm sorry. I didn't hear.

7 Q. Is that a new development after the terror attack?

8 A. Yes. I would get up screaming. I have to get up sometimes
9 and just walk around the house to make sure I am in my own
10 home.

11 Q. Elise, we have heard that you and Shayna have had trouble
12 getting along in recent years.

13 A. That's true.

14 Q. And you have not been able to be with Shayna for some time?

15 A. The current time period has been four and a half years.

16 Q. How does that make you feel?

17 A. Horrible. My grandson, my newest grandson is here and it's
18 only the second time I have seen him and he is four months old.
19 I have never seen my second grandson and the first one from her
20 I saw from a year. He is 5 now.

21 Q. Elise, do you love Shayna?

22 A. Very much.

23 Q. Elise, do you blame the terror attack for the trouble that
24 your family has been through?

25 A. Yes, I do.

F248SOK3

E. Gould - direct

1 MR. YALOWITZ: Your Honor, I have nothing further for
2 Elise.

3 MR. ROCHON: No questions, your Honor.

4 THE COURT: Thank you, ma'am. You can step down.

5 (Witness excused)

6 THE COURT: Mr. Yalowitz, would you call the
7 plaintiffs' next witness.

8 MR. YALOWITZ: Plaintiffs' next witness, your Honor,
9 is Shayna Gould.

10 Ms. Pildis will conduct the direct.

11 May I have a moment, your Honor?

12 THE COURT: Yes.

13 SHAYNA GOULD,

14 called as a witness by the plaintiffs,

15 having been duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MS. PILDIS:

18 Q. Good afternoon, Shayna.

19 A. Hi.

20 THE COURT: Would you pull the microphone down a
21 little bit?

22 Q. Where are you from?

23 A. I am from Skokie, Illinois.

24 Q. Where do you live now?

25 A. I live in Skokie, Illinois.

F248SOK3

S. Gould - direct

1 Q. Are you a citizen of the United States?

2 A. Yeah. I just need like a moment. Sorry.

3 I need to catch my breath right now. Sorry.

4 All right.

5 Q. What did do you after high school graduation?

6 A. After high school graduation I took a trip to Israel.

7 Q. What was that like?

8 A. It was awesome. A lot of my friends were going and I had
9 friends that had gone the year before. It was kind of just a
10 rite of passage, the next step.

11 Q. What did you do when you were there?

12 A. So I was in school. It was kind of like -- it was sort of
13 a college program but not exactly, just like extra studies. I
14 was there with a lot of friends. I had two roommates that were
15 from Milwaukee and New York, and a lot of the people on my
16 floor were from Philadelphia, New York, LA, Chicago.

17 Q. Was it a school for Americans?

18 A. It wasn't like a school for Americans. There were also
19 like some British students. But I mean it was kind of a school
20 for Americans. It was like 90 percent, 92 percent American.
21 There were just a couple of people from the UK.

22 Q. What did you do for fun?

23 A. So, there was like a place in Jerusalem called like town.
24 We just all went to town, kind of like in the city. When
25 you're living in the suburbs, it's a similar idea. And we

F248SOK3

S. Gould - direct

1 would go to town to eat, to go shopping, to hang out. There
2 were bars. It was just kind of a good hangout place. It is
3 also a very beautiful area. It's all in Jerusalem stone so it
4 looks very beautiful and it looks like very European. It has
5 that kind of sense to it. It feels very nice to be there.
6 It's a nice, beautiful -- it's a beautiful area.

7 Q. How long was your academic program?

8 A. A school year.

9 Q. What did you do at the end of that year?

10 A. I went home to Chicago and I worked the summer so that I
11 could have some money to go back the next year. I was on a
12 scholarship. So I wanted to make some money and go back. A
13 lot of my friends were going back. Some of my close friends in
14 Chicago were going back to different schools in the area. So I
15 kind of -- by the middle of the next year I knew I was going to
16 try to go for a second year. I had saved enough money working
17 retail to go again.

18 Q. Was the program you went back to different than the first
19 program?

20 A. It was. It was in the same campus, but it was kind
21 of -- it was like the official college program, but it was also
22 for like older students. So in my classes in that program
23 there were students like in their 30s and 40s, and I was 18,
24 19. So it was kind of like a little more structured and
25 because of the older group it was a little bit more serious and

F248SOK3

S. Gould - direct

1 focused.

2 Q. Did you go out a lot at night?

3 A. Yeah, definitely.

4 Q. Did you travel?

5 A. We went out a lot. My roommates and I, one of my roommates
6 was from the UK and other one was from New York and we became
7 really close friends. It was a flat and there were six
8 apartments in the flat. Our room was very small. We would all
9 hang out together because our whole flat was our age and
10 everybody else was kind of older.

11 So we kind of all became a pretty close-knit kind of
12 group and my roommates, we would go out all the time together.
13 I became best friends with one of my roommates. I still keep
14 in touch with both of them. Actually, both of them are living
15 in New York now.

16 We would go out mostly to town. That was kind of our
17 main -- that was where all of our friends congregated. That
18 was where all the great bars were. And sometimes we would
19 travel the country. It was a beautiful country and it's a
20 country that has a little bit of everything. If you go down,
21 you can go to a tropical type of area where there is a beach
22 and boardwalk and it's very cool. And if you go up, it is more
23 tropical. And if you go to Tel Aviv, it is another beach town.
24 So we travelled.

25 Q. Can you describe going out in town at night a lot with your

F248SOK3

S. Gould - direct

1 friends? Were your friends mostly Americans?

2 A. Yeah. I had a few friends that were from the UK and the
3 rest of my friends were all Americans. I dated a few people.
4 At that time they were all -- some of them were from Monsey,
5 Long Island. Everybody was American.

6 Q. When you went out at night, did you see a lot of Americans?

7 A. Yeah. It was crazy. There would be a square outside lit
8 with these beautiful trees with like lights on them, Christmas
9 lights, but not as, like, colorful. And we would all just hang
10 out and congregate. If we didn't want to spend money, we would
11 just stand in the square if it was nice out and just kind
12 of -- we would go to restaurants. There was a coffee shop that
13 we would always get one of those slushy coffees. That was like
14 the first stop, always get a slushy coffee. So yeah.

15 Q. What was it like being in Israel during that time period?

16 A. I mean, it was great. It was really just an awesome time.
17 I didn't really want to leave. It was super fun. I was with
18 my friends. I was in school but classes were in the morning
19 and over by 3:00. It was wonderful. It really was.

20 Q. Were you ever scared?

21 A. Not usually, no. I wouldn't say so. I was not the scared
22 type. That didn't, like, describe my personality at all. I
23 was very outgoing, very ready for anything. Yeah.

24 Q. Did you experience any terror attacks prior the attack in
25 which you were injured?

F248SOK3

S. Gould - direct

1 A. Yeah. So during my first year that I was there, there was
2 a bomb that went off close to a bar that we always went to. We
3 didn't actually see the bomb but we heard a huge explosion. It
4 was very clear what happened. And then it was up on a hill,
5 the bar was up on a hill, and all of a sudden like a huge
6 stampede of people started running toward the bar, and half the
7 bar was outside. So we were outside and you could see just a
8 stampede of people. Then we all kind of got carried along with
9 it and we all went down the hill.

10 Down the hill was where one of the squares was where
11 we hang out, and there was an even further area that goes even
12 further down the hill, and that is kind of where we all
13 dissipated a little bit, in that second area. It was probably
14 about a half mile, the whole stretch. It was intense. There
15 was a lot of screaming and yelling. There was a lot of
16 disorientation. I wanted to stay with my friends and make sure
17 I was with people who I knew.

18 Everybody was very nervous. I don't remember it super
19 well, but the next couple of days -- I don't remember much
20 stress about it. It was kind of like, oh, my God, wasn't that
21 crazy. It wasn't like -- we didn't feel the moment like it
22 carried on to the next day or the next day. It was like a
23 crazy thing that happened and then it was like, do you want to
24 go to the movies? I don't know why. It sounds crazy to me
25 now, but it just didn't hit home what happened, I don't think.

F248SOK3

S. Gould - direct

1 Then there was another attack, too, during my second
2 year. There was an explosion. This one I actually saw happen.
3 We were going to town. We came down the hill from the bus
4 stop. We took the last bus in so it was probably like 11:30 at
5 night. We turned the corner to go to -- the restaurant that we
6 were meeting our friends at was right around the corner. Then
7 we turned the corner and then the explosion happened right in
8 front of us. And it like was very bright all of a sudden.

9 So it was very loud. It was very bright. It was a
10 very holy moley moment. It was gross. I remember seeing like
11 a body part in front of me. My friend, my roommate Hannah, who
12 is from the UK, was with me. It was like one of those moments
13 where you kind of want to stay because it's like, whoa, and you
14 kind of want to see it. You're not 100 percent scared in that
15 moment, you're just like, oh, my gosh, and you're shocked. I
16 was kind of stunned.

17 And she grabbed my shoulder and pulled me back around
18 the corner and we ran up the hill, and then it hit me like a
19 ton of bricks. And I was like, oh, my God. That was a scary
20 moment for sure. That was like one of those oh, my God
21 moments.

22 Then we went up the hill and around the corner. There
23 is this area that is supposed to be like a holy area. It's
24 known to be like a holy area. She was like thinking we should
25 go there because nothing bad ever happens there, even though

F248SOK3

S. Gould - direct

1 it's not true. So we went there. It was very cold outside.

2 It was winter. And there was no cars at all and our cell

3 phones had gone dead. So we just kind of had to wait it out.

4 And then finally we got a car -- a car drove past us. It was a

5 big van. And we took it back to school.

6 Q. Do you recall if that was a Saturday night?

7 A. It could have easily been a Saturday night.

8 Q. Do you recall if that was December 1?

9 A. I don't know. I know it was really close to my attack.

10 Q. Did having that experience keep --

11 A. I'm sorry. I know it was very close to my attack, and I
12 know we then decided we were going to go to Eilat, and I know
13 that we were in Eilat for two weeks.

14 Q. Did you have fun in Eilat?

15 A. Yeah. Eilat was amazing. Eilat is basically a beach town
16 where there is like a big boardwalk and there's lots of bars
17 and little trinket kind of shops. I got my hair in cornrows
18 and I got like a henna tattoo. And there was a little mall
19 there. So there was some shopping that may have happened.

20 And every single night we would go out and party and
21 then the next morning go out to the beach and try to get a tan
22 and the next night we would go out. And I was there with a
23 bunch of friends and it was around Hanukkah.

24 Q. I would like to go to January 22, 2002. Can you tell us
25 what you remember that day?

F248SOK3

S. Gould - direct

1 A. OK. I don't remember a lot of that day. I remember
2 getting off the bus. I don't really remember the bus. But I
3 remember getting off the bus. I remember it was a pretty
4 dreary day. It was muggy and kind of rainy-ish. We decided
5 that we were going to stop and get umbrellas. So we stopped in
6 a little store that was on the corner and it had a couple of
7 things of umbrellas and we bought two and we walked down.

8 I was in town that day. Specifically, my friend
9 wanted to get a book and I wanted to get my plane ticket
10 because I was planning to go visit my other roommate. I was
11 with one of my roommates at the time. I was going to visit my
12 other roommate in the UK and we were going to the El Al office
13 to pick up my ticket.

14 Then I remember walking back to the bus stop because
15 we didn't want to stay. It was rainy. We were going to have
16 lunch and shop, but we were going to go back to school.

17 Q. What do you remember next?

18 A. I don't remember anything else from the day. The next
19 memory that I have was in the hospital. I remember waking up
20 and my best friend was there and the room was filled with
21 people. There was probably like 20 or so people in my room.
22 So I didn't know everybody that was in my room and it was a
23 little bit uncomfortable.

24 I remember seeing Heather and she had new glasses on.
25 I said, Hey, do you have new glasses? And the room started

F248SOK3

S. Gould - direct

1 laughing hysterically. I didn't really get it. I wasn't in on
2 the joke. It was probably one of the first cohesive moments
3 that I had where I wasn't repeating stuff.

4 Q. Can you tell us about how you were feeling while you were
5 in the hospital?

6 A. Yeah. When I was in the hospital, there was -- I just
7 remember being in a lot of pain. I remember being very
8 confused. I remember my sister.

9 Q. You can take your time.

10 A. OK. I remember she was always trying to keep me
11 comfortable. I remember that they had to change my IVs very
12 often because apparently I had gotten an infection earlier and
13 so they had to change my IV often, and it was very painful and
14 it made me hate the nurses. Every time a nurse would walk into
15 the room, it was just so painful.

16 I remember being very uncomfortable. I wasn't really
17 able to lie down very easily. My teeth were jagged. I was
18 very self-conscious. I remember I was very disoriented. I was
19 in a lot of pain and I was like always having my bandages
20 changed and like always like oozing stuff from my back. It was
21 like a gaping hole in my back, that I couldn't lay down. My
22 sister was constantly trying to prop me up with pillows. It
23 was a really hard time. It was a really hard time.

24 It was like I felt broken and I felt like I had lost a
25 sense of myself that I wasn't going to be able to get back to.

F248SOK3

S. Gould - direct

1 MS. PILDIS: I think I need to request a break.

2 THE COURT: Surely.

3 We are going to take a lunch break. Don't discuss the
4 case. Keep an open mind. I am going to ask you to be back at
5 1:50.

6 (Jury exits courtroom)

7 THE COURT: Let's take a break. We will take the
8 lunch break.

9 (Luncheon recess)

10 (Continued on next page)

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F24TSOK4

S. Gould - direct

1 THE COURT: Are we ready to continue?

2 MR. YALOWITZ: Yes.

3 MR. ROCHON: Yes.

4 THE COURT: Then let's get the jury.

5 (Jury present)

6 THE COURT: You can continue.

7 MS. PILDIS: Thank you.

8 BY MS. PILDIS:

9 Q. Shayna, I want to go back to when you were in the hospital
10 in Israel. Do you recall when you first came to understand the
11 extent of your physical injuries?

12 A. Yeah, it was one particular conversation.

13 Q. Who was that conversation with?

14 A. With the doctor, the surgeon.

15 Q. Do you remember his name?

16 A. Dr. Deeb.

17 Q. What did he tell you?

18 A. He just kind of went through all of the injuries. I had
19 been cut up. As they realized I was able to retain
20 information, they told me okay, you were in a terrorist attack
21 and you were shot, you were shot in the chest, and that was as
22 far as they went.

23 Then when we went to his office, it was like during
24 the end of my stay in the hospital, and he kind of laid
25 everything out, made sure that I knew everything, and then he

F24TSOK4

S. Gould - direct

1 said like you also lost a lung. And I was kind of like okay.
2 And after he kind of -- I lost a back muscle and ribs and all
3 this stuff. And then he asked me if I had any questions, and I
4 asked him if I could have children, and he said he didn't know.
5 And I said okay. And that was the conversation.

6 Q. Soon after that you went back to Chicago?

7 A. Yeah.

8 Q. How long was it before you went back?

9 A. So I was in the hospital for two weeks. I started physical
10 therapy and occupational therapy while I was in the hospital at
11 the very end, kind of had to learn how to walk again, and I had
12 lost a lot of mobility and motion in my left arm. So after the
13 two weeks I was in the hospital I did outpatient where I would
14 come back to the hospital daily for physical and occupational
15 therapy. And we continued my therapy until I left, which was
16 about a month later.

17 Q. Where did you live when you returned to Chicago?

18 A. I moved back in with my parents.

19 Q. What was life like for you when you returned to Chicago?

20 A. So when I was finally able to return to physical therapy, I
21 was doing it probably like four times a week. I would take a
22 cab to and from physical therapy, which was excruciatingly
23 painful. The wound, my scar on my back, is about 14 inches.
24 It starts like here and it goes around like this. And I
25 couldn't wear any kind of like support or bra because the scar

F24TSOK4

S. Gould - direct

1 was like right on where my bra line would be. So I had to wear
2 like tank tops and things that were like loose fitting.

3 My point is that when I was in the cab it would set
4 off my scar because of all the bumps in the road, and so
5 getting to and from physical therapy was always very painful.
6 And I would usually be crying by the time I got to physical
7 therapy because it was really excruciating. The skin on my
8 back was very thin, and there was like the main exit wound. I
9 have two exit spots, because the bullet split the rib and came
10 out my back in two pieces, so one of my spots was bigger than
11 the other, and one was like a quarter size and it would ooze
12 every once in a while still, and it was a very, very sensitive
13 area and very thin skin. So I would usually be in quite a lot
14 of pain when I was traveling to and from physical therapy. So
15 that was four times a week.

16 Then I mean the rest of it was just trying to -- I had
17 a lot of trouble sleeping, so like eventually I would kind of
18 like collapse. My father put tinfoil on all the windows in the
19 room so that I would be able to like have a blackout room when
20 I needed to when I would finally crash and sleep. I was also
21 just on a lot of medication, so I didn't really feel like
22 myself, like I felt like it was very out of body at times, I
23 was like on a lot of medication.

24 Q. Were you able to walk places?

25 A. I mean I could, but it just kind of depended. My feet were

F24TSOK4

S. Gould - direct

1 hit with glass that was flying during like while if happened,
2 so I have I think four scars about that big on my feet. One of
3 them goes right on the top of my foot and goes right along the
4 nerve of my foot. So I had a really hard time wearing shoes,
5 or if I did wear shoes I would wear unlaced gym shoes. Even
6 wearing socks was very difficult because my feet would get hot
7 and my nerves would like react, and nerve pain feels like
8 electric shock. So it was very painful. I often had difficult
9 times with my feet because of that.

10 Q. What were the physical therapy sessions like themselves?
11 You talked about the travel to and from, but what was it like
12 when you were in physical therapy?

13 A. So I really liked my physical therapist, he was a nice guy,
14 but it was so dreadful. It was so dreadful. I'm very visual,
15 so every time I think about it I visually go back there, and so
16 I remember like the room really well and all the contraptions.
17 It kind of felt like I was Frankenstein being put back
18 together.

19 And over the process of I think it was like a year and
20 a half, I just felt like I was never going to be able to be
21 whole again, like I felt like I would be getting very
22 optimistic and hopeful and I would be better, I will go to
23 physical therapy and everything would be great and it will all
24 go away.

25 And when I was in the hospital in Israel, Dr. Deeb was

F24TSOK4

S. Gould - direct

1 saying this is going to be like about a two and a half year
2 recovery. And I was like okay, two and a half years is a
3 really long time, but it's only two and a half years then it
4 will be over. And I remember at two and a half years, like at
5 that mark I was like oh, shit, like this is two and a half
6 years, so like it's supposed to stop, like I'm supposed to be
7 finished with this now. And that was like a really like moment
8 of like clarity and like just being terrified of like okay,
9 like I'm not done, I'm not even close, and I just didn't know
10 if it was ever going to be done. I didn't realize at the time,
11 I was 19, I didn't realize that it was really going to be with
12 me forever. I didn't really have that understanding until I
13 hit the two and a half year mark where they said I would be
14 better and I was not even close.

15 Q. Did you have further surgery in the United States?

16 A. Yeah.

17 Q. How was that?

18 A. I had surgery on March 1st of 2004 to fix my scar, and it
19 was kind of like a put back together thing. They told me I
20 would need reconstruction surgery. So I had never had surgery
21 before with my knowledge of having surgery. Like when the
22 attack happened, that was the first time. I had not even
23 sprained a finger or broken a bone before then. I had never
24 been in like a hospital before then. And when I was in the
25 hospital for the attack, I was only aftermath.

F24TSOK4

S. Gould - direct

1 So like leading up to the surgery was very difficult
2 because I had never experienced leading up to a surgery before.
3 So I was really nervous about it, but I kept just telling
4 myself that like they're going to put me back together, like
5 this is going to make it okay. And like driving in a car was
6 really, really hard, and I drive in a car a lot. Living in
7 Chicago, you have to drive everywhere. So I was focusing on
8 like hopefully this will be much better after having surgery.

9 And they made my scar a lot thinner and made my feet
10 scars a lot thinner. I looked a lot like Frankenstein because
11 the bullet impression that it leaves is very much like
12 Frankenstein, and my back had like, I don't know, 45 just on my
13 back or so. So like it was not pretty. So I was hoping that
14 they were going to like get rid of that. They didn't fully get
15 rid of it, but I also had keloid scarring, so they got rid of
16 some of that.

17 Q. Was the surgery successful? Do you feel better?

18 A. It definitely was in a sense. The scar was very, very
19 wide. It was very long, but it was also very wide. It was
20 like an inch wide. So it got down to like a quarter of an
21 inch, which was esthetically better, not that I would see it
22 really because it's on my back, but esthetically I felt like it
23 was better.

24 My feet were much better. My feet, when it's the
25 summer and you're not wearing any socks and shoes and wearing

F24TSOK4

S. Gould - direct

1 like a flip-flop and shorts and you've got like these weird
2 Frankenstein legs, it was uncomfortable. And everybody asked
3 me about it when I'm not wearing like hose or socks, like
4 everybody would always comment about it, especially when I was
5 like living here, on the subway, everybody would go what's on
6 your feet? So I always was like constantly being asked
7 about -- sorry if I'm getting off --

8 Q. No, it's okay. I want you to describe whether you're still
9 in pain today.

10 A. I often have pain today. So basically I am sensitive to
11 heat and cold and pressure. So pressure comes into play daily
12 because I wear a bra, and when you wear a bra, the pressure
13 like that you have on your side like goes right along the scar.
14 So every day that is like a given that I'm going to have some
15 kind of response from just wearing a bra. And from heat and
16 from cold, like when I'm really cold, I feel like I can't
17 breathe, and like my chest gets very tight and I feel like very
18 stifled and out of breath.

19 And when it's hot, like my nerve pain goes off and my
20 feet and my back will just be in excruciating pain. But
21 unfortunately hot doesn't necessarily mean it's hot outside, it
22 could be I'm wearing too many layers that day or if I'm nursing
23 my baby and the heat that he gives off like I feel and then
24 like that will trigger me.

25 And it really comes on suddenly, I have no -- there's

F24TSOK4

S. Gould - direct

1 like no lead up. I don't get any oh, it's about to happen now
2 put everything you're doing aside. There's no like comfortable
3 like this is about to be excruciatingly painful, so go
4 somewhere where you can handle that. Sometimes I'm in the
5 middle of a mall or in the middle of a conversation or out to
6 dinner or whatever, it just happens randomly. It happens all
7 the time. It happened two days ago, it happened three days
8 ago. My friend was visiting me and immediately I started
9 feeling like I was in so much pain on my back, and she's like
10 what can I do, what can I do. I couldn't even talk and tell
11 her anything that she could do. Not that she could do
12 anything. But I feel like when it's happening I have to like
13 wait for it to go away, and sometimes it takes 25 minutes and
14 sometimes it takes an hour and a half, and I have to wait for
15 it to go away. And when it takes place in front of my kids, I
16 have a five year old and he's starting to get it. He knows
17 nothing about this, but he is starting to get sometimes mommy
18 is in a lot of pain. And I have no way of sheltering him from
19 it because I have no warning.

20 Q. Are you able to sleep comfortably?

21 A. There's always like a balance, sleeping is always
22 difficult. I had really bad problems sleeping in the
23 beginning. Like for the first three or four years, I had a lot
24 of trouble sleeping. Now it's -- I mean it's easier than it
25 was. It's hard because I was 19 years old, so now everything

F24TSOK4

S. Gould - direct

1 just feels like this is my new normal. And sometimes like I'm
2 talking to my husband about it and he's like that's not normal,
3 that doesn't happen to everyone. But I kind of don't remember
4 before, I only know now. So I just have to make this my new
5 normal and kind of move on. But sometimes when I think about
6 it, it's shocking to me how much this affects me on a daily
7 basis. It's mind blowing sometimes, and I realize and I look
8 around and I'm like nobody else has to deal with this stuff,
9 like I mean it's awful.

10 Q. Aside from the physical pain that you've described, how
11 does the attack impact you on a daily basis?

12 A. Daily I have a lot of anxiety. I'm constantly fearful that
13 lightning is going to strike again. I always feel like
14 something bad is just around the corner. Because I wasn't
15 doing anything, I was just standing at a bus stop waiting for a
16 bus. There wasn't anything like -- I wasn't putting myself in
17 any kind of situation, I was literally standing on a bus corner
18 like you would stand -- it was so benign and so much of an
19 innocent moment.

20 So I feel like when I walk through my life today, I am
21 just getting in my car taking my kids to school, I'm just going
22 to the grocery store, I'm whatever, like I -- when I'm driving
23 and there's a stop sign or a stoplight, I'm like oh, that
24 person could potentially swerve into my lane, and if they hit
25 me, which side are they going to hit? Are they going to hit

F24TSOK4

S. Gould - direct

1 this side where my five year old is, because then maybe I will
2 survive but then he might not survive. And if they hit me on
3 this side, I will die and he won't have a mom, and so what will
4 they do, because I'm home and I'm their caregiver.

5 It's relentless. And I try so hard to be positive,
6 and my husband is very positive, and he's always like the
7 things you can't change you don't worry about, and I am always
8 thinking about it though. Like my kid, like I'm nervous when
9 he plays outside in the playground because what if somebody is
10 just going to come and -- it's just --

11 Q. How has the attack impacted your personal relationships?

12 A. One of the things that's really hard for me is if I'm in a
13 fight with my husband and we're going at it or we're having a
14 conversation that when you're in a fight with somebody they
15 want you to recall, they want you to be like well, you said
16 this, so no, I didn't say that, what are you talking about,
17 give me an example. And I'm like I can't give you an example.
18 He's like well, you said I just said it. And I feel the
19 emotion of what I heard, but I can't recall. So I will be like
20 that thing that you just said, I'm asking him to help me recall
21 what he just said and hurt my feelings.

22 It's just like it's really hard because like I want to
23 be able to like express myself, but I always feel cut off,
24 because especially when my emotions are triggered in a fight, I
25 forget like quickly, like if my emotions are triggered it seems

F24TSOK4

S. Gould - direct

1 to be worse. And I can't -- a second before it's gone and it's
2 dissipated and I'm stuck, and I always say he always wins every
3 argument because I can't recall, I can't -- there is no
4 playback. I don't have it. It's not there any more. That's
5 really hard.

6 Another way it affects me daily is with my kids. On a
7 daily basis I am scared for their lives. And I really try not
8 to impose that on them. I know that's my thing, and I don't
9 and want them to live that way, and I know how hard it is to
10 live that way. So I also -- I love they're so happy and little
11 and innocent that way, and I remember feeling that when I was
12 younger, and I know that it was taken away from me, but I don't
13 want to take it away from them.

14 So I'm constantly struggling with like what to say in
15 certain moments, but I'm feeling very fearful and I have a bit
16 of an anxiety moment and I don't know what to say to them to
17 even get myself past that moment, or like kids see everything,
18 they understand, and I try to like keep my composure, but
19 sometimes he sees that I'm really scared, and I can tell that
20 he just wants to protect me and he's five. He's so little.

21 It seems to unfair that he would have to take that on,
22 you know. It's just unfair sometimes that he has to be
23 affected by this, too, like I feel like it's never over. And
24 it's just like one of those things when I was at the two and a
25 half year mark, it's the same feeling of like okay, now I have

F24TSOK4

S. Gould - direct

1 kids and my life is so different from that, but it never stops
2 being a part of my thoughts and my life and I never get a break
3 from it.

4 So I can't shelter him, I can't save him from
5 everything that I'm feeling, going through. And I feel a lot
6 of guilt for putting that on him because it just keeps
7 continuing in my life and there's never like going to be a
8 moment where I'm like okay, this is the last moment. Even this
9 today like in a lot of ways was like another line in the sand
10 of like okay, like after this it's going to be like over. But
11 it's not over, and it's never going to be over, and every once
12 in a while it hits me, and it's hitting me now of like this is
13 never going to be over. Like I never get to have that day, I'm
14 never going to have that day of like well, today it's finished.
15 Like I don't get that luxury. And I crave it, but I'm never
16 going to get that. I'm never going to feel like today is the
17 day that I don't have to deal with this anymore, because I get
18 hot on a regular basis and I get cold on a regular basis and I
19 wear a bra on a regular basis and I have kids on a regular
20 basis and I have a husband on a regular basis. And I get in
21 fights with him sometimes, and it is infrequent, but it
22 happens, and like it just is so -- it just feels so unfair,
23 just feels unfair, I know that's like a childish phrase, but it
24 does, it feels unfair.

25 Q. Shayna, how is this different because it was a terrorist

F24TSOK4

S. Gould - direct

1 act?

2 A. I think that terror is a thing that is never really over.
3 And right now even a lot of times people try to console me by
4 saying well, you were in Israel and the climate was difficult,
5 and now you live in Chicago. Well, terror is happening all the
6 time all over the place and it's completely unpredictable. And
7 I cannot walk around in my life and not feel scared that terror
8 is right around the corner from my family, from my husband,
9 from me.

10 Every time he gets on a flight -- he travels for work
11 sometimes, and every time he gets on a flight I'm terrified
12 that something bad is going happen to him. I'm terrified that
13 it like knows my name, or like it's just -- it didn't get me
14 all the way, and I'm terrified that like it's going to come
15 back to finish the job, and it's going to hit me where it
16 hurts. I'm terrified of that.

17 I'm terrified of something happening in my kids'
18 school. I'm terrified that something bad will happen to my
19 sister and one day I will call her and she's not going to be
20 around. Terrified of that. When we were in Israel and Jessica
21 realized that she was on the street and expressed this whole
22 lightning doesn't strike twice thing is a lot of crap, and
23 there's no rhyme or reason.

24 So like I mean it can happen to anyone at any moment,
25 and you can't say -- like to me you can't say like -- I mean a

F24TSOK4

S. Gould - direct

1 bullet shot me in my chest, I was an American 19-year-old girl
2 having a great time. Like if you asked me that the day before,
3 I would have been like completely -- I would blow the person
4 off. I would say that's impossible, completely impossible,
5 obviously that's not going to happen. Well, now anytime
6 anybody is trying to console me and say like well, nothing bad
7 is going to happen, the hell it will, like yeah, it actually
8 really could.

9 Q. Shayna, can you show me where your heart is?

10 A. My heart is here.

11 Q. Can you show me where the terrorist bullet entered your
12 body?

13 A. Right here.

14 MS. PILDIS: I have no further questions. Thank you
15 very much.

16 THE COURT: Any questions, Mr. Rochon?

17 MR. ROCHON: No, sir.

18 THE COURT: Thank you, you may step down.

19 Mr. Yalowitz.

20 MR. YALOWITZ: Your Honor, our next witness is going
21 to be Karen Goldberg.

22 (Continued on next page)

F24TSOK4

K. Goldberg - direct

1 KAREN GOLDBERG,

2 called as a witness by the Plaintiffs,

3 having been duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. YALOWITZ:

6 Q. Karen, pull yourself up to the microphone so you could be
7 heard when you talk.

8 Where were you born?

9 A. In Brooklyn.

10 Q. Are you a citizen of the United States of America?

11 A. Yes.

12 Q. Where did you grow up?

13 A. In Brooklyn.

14 Q. And what was life like in Brooklyn for you?

15 A. Excuse me?

16 Q. What was life like for you in Brooklyn growing up?

17 A. I had a very happy life.

18 Q. Did you go to college?

19 A. Yes, I went to elementary school Yeshiva Flatbush, high
20 school Yeshiva Flatbush, and Stern College, which is a division
21 of Yeshiva University.

22 Q. What did you study there at Stern College?

23 A. Well, at the time it was 1980 and my father thought that
24 computers was going to be a thing of the future, so he
25 encouraged me to take computers. So I majored in computers,

F24TSOK4

K. Goldberg - direct

1 but at the same time I was very interested in psychology, so I
2 also took psychology courses. And in the end I ended up with a
3 major in computers and psychology.

4 Q. What year did you graduate from college?

5 A. 1984.

6 Q. Now what did you do after college?

7 A. After college I was working a bit.

8 Q. Did you spend some time in Israel?

9 A. Yes.

10 Q. And did you meet your husband there?

11 A. Yes.

12 Q. Just tell us a little bit about what he was like when you
13 met him.

14 A. He was a very outgoing, friendly, life of the party type of
15 guy, and he had a heart of gold.

16 (Continued on next page)

F248SOK5

K. Goldberg - direct

1 BY MR. YALOWITZ:

2 Q. What was his name?

3 A. Scotty.

4 Q. Did you come to call him by a Hebrew name too?

5 A. Yes. I used to call him Yechezkel. But other people
6 called him Scotty.

7 Q. When you met him, what did he go by?

8 A. Scotty.

9 Q. What did you go by when you met him?

10 A. I went by Karen.

11 Q. Did you take on a Hebrew name too at some point?

12 A. Yes. Shifra.

13 Q. So Scotty and Yechezkel, that's the same person?

14 A. Yes.

15 Q. How did you meet?

16 A. Well, Yechezkel was performing in a play and I was sitting
17 in the audience, and after the play I went back to my apartment
18 and some of my friends let me know that there was someone
19 performing in the play that saw me in the audience and wanted
20 to go out with me.

21 Q. What did you think about that?

22 A. I said to them, I didn't really see anybody that I was
23 interested in. So I told them to tell him that I'm not
24 interested.

25 Q. Did he take no for an answer?

F248SOK5

K. Goldberg - direct

1 A. He did not take no for an answer. He basically chased me
2 through other people for about two weeks until I finally said
3 that I would go out with him.

4 Q. What did you think of him after that first date?

5 A. I had a great time. But I didn't think he was for me. So
6 I kind of told him that I wasn't interested.

7 Q. Did he take no for an answer?

8 A. No, he didn't. He turned up the next night and then after
9 that I got sick. So I was kind of happy about that because
10 that meant I didn't have to go out. But then he turned up at
11 the door with a get well card. So that was it. I gave up
12 after a while and I was having a good time anyway.

13 Q. How old were you when you got married?

14 A. 23.

15 Q. Now, when you were young parents, where were you living?

16 A. In Brooklyn.

17 Q. How many kids did you have while you were living in
18 Brooklyn?

19 A. Four.

20 Q. Couldn't take no for an answer.

21 Just tell us a little bit about being young parents in
22 Brooklyn. Did you have much in the way of money?

23 A. No. We were struggling. As a matter of fact, we didn't
24 have a washing machine and we used to, on Sundays we used to
25 take all of our laundry and put it in our Rolls Royce, which

F248SOK5

K. Goldberg - direct

1 was my baby's stroller, but we called it a Rolls Royce, and we
2 used to go to the laundromat and that's where we spent our
3 Sundays, doing our laundry.

4 Q. Just describe the feeling you had as young parents
5 together.

6 A. Oh, we had a great time together. We had a lot of fun.
7 Everything we did together we had fun. We were building our
8 family.

9 Q. How did you feel about each other? Were you close? Did
10 you struggle?

11 A. We were best friends.

12 Q. Did there come a time when you moved back to Israel?

13 A. Yes.

14 Q. When was that?

15 A. December 1993.

16 Q. Give us the age order of those first four kids who were
17 born in Brooklyn.

18 A. So when we moved to Israel, Chana was 6, Esther was 4,
19 Yitzhak was 2, and Shoshana was eight months.

20 Q. What kind of work did Scotty do when you first moved to
21 Israel?

22 A. We kind of came -- we went to Israel without money so he
23 was the kind of guy who wasn't too proud to do whatever he
24 needed to do to bring in money for the family. So his first
25 job in Israel was waiting on tables. He was a waiter. His

F248SOK5

K. Goldberg - direct

1 second job was making pizza in a pizza store.

2 Q. What did he do after he worked in that pizzeria?

3 A. Then he finally got a job working in a place that was
4 called Gan Harmony. It was a kindergarten that integrated
5 children with disabilities together with regular children.

6 Q. Is that Gan, G-A-N?

7 A. G-A-N.

8 Q. What did he think about that work? How did he like working
9 with disabled children?

10 A. He loved it. He was good at what he did. He also used to
11 go into schools to observe children who were having
12 difficulties, and he would sit there for an hour or two and
13 after that amount of time somehow he had a special knack of
14 assessing the difficulties that the child was having. And then
15 he would be in contact with a psychologist, the social worker,
16 speech therapist, whoever he needed to be in touch with, and he
17 would help the child along.

18 Q. Did he decide to branch out or expand his skill set in that
19 line of work?

20 A. Yes. He was always learning. He loved learning. I don't
21 think there was a time in his life where he wasn't learning
22 something in school, courses.

23 Q. What kind of work did he move into after that?

24 A. So he started to work with teens at risk, teens who were
25 involved in drugs and alcohol, and that became his specialty.

F248SOK5

K. Goldberg - direct

1 Q. Did he study to become more advanced in his line of work?

2 A. Yes, of course.

3 Q. What kind of study did he take on to do that kind of work?

4 Did he go to school and learn social work or therapy or
5 something like that?

6 A. Yes. First of all, he had a master's in special education.

7 After that he just kept advancing himself, and as a matter of
8 fact he wanted to go for his Ph.D.

9 Q. Did he have an office where he would see his patients?

10 A. Yes. He had a private clinic.

11 Q. Where was that?

12 A. In Jerusalem.

13 Q. Was he good at it?

14 A. He wasn't good at it. He was great at it. He used to have
15 all his colleagues sending him their most difficult cases
16 because he was so good at what he did, and he was so successful
17 with the teens in helping them to find direction in life and
18 build themselves up.

19 Q. Did you and the kids go to the office from time to time to
20 see him?

21 A. Yes.

22 Q. What was the office like?

23 A. The office was very him, a very comfortable place to be.

24 He actually used to take off his shoes at the beginning of the
25 day when he was starting to see his patients so that they would

F248SOK5

K. Goldberg - direct

1 feel comfortable. He had all kinds of pictures on the walls.
2 Some of them had sayings, which were also so him. Some of the
3 sayings were things like, how many psychologists does it take
4 to change a light bulb? And the answer is, one, but the light
5 bulb has to want to change. Or, life is only difficult for the
6 first 120 years. But it was so him because he was so good at
7 taking things that were so serious and helping people through
8 it with his sense of humor. He had a wicked sense of humor.

9 Q. Where was the office?

10 A. In Jerusalem.

11 Q. How far away from your hometown was that?

12 A. About a half hour.

13 Q. How did Scotty get back and forth from work?

14 A. He would take a bus.

15 Q. Now, after you moved to Israel, did you have more kids?

16 A. Yes. We had another three children.

17 Q. What are their names?

18 A. Eliezer, Yaakov, and Zvi.

19 Q. Seven kids altogether?

20 A. Yes.

21 Q. How was your husband as a father?

22 A. He was an amazing father. He was very involved.

23 Q. Did he go to parent/teacher conferences?

24 A. In our community the girls go to a separate school than the
25 boys, and so at parent/teacher conferences mothers were

F248SOK5

K. Goldberg - direct

1 supposed to go to meet with the teachers, except that with our
2 kids Yechezkel used to come along with me, and he would be the
3 only father there. The kids appreciated it. They saw how much
4 he cared about his children and how involved he was. He didn't
5 care if he was the only father.

6 Q. Let me just ask you a little bit more about that separation
7 thing.

8 You live in a community that's very observant in your
9 religion?

10 A. Right.

11 Q. What kinds of things are separate for men and women in your
12 community?

13 A. Basically, all social activities are separate.

14 Q. Is there separation at prayer?

15 A. There is separation at prayer in the synagogues, separation
16 at weddings with a partition usually, separation at Bar
17 Mitzvahs. Sometimes recreational activities would be separate
18 where there would be dates for girls and dates for boys.

19 Q. Would swimming be separate?

20 A. Swimming.

21 Q. Is there a separation of roles in terms of other social
22 things or family things?

23 A. Well, there is also, let's say, parent/teacher conferences
24 for the boys so the father turns up.

25 Q. What about study?

F248SOK5

K. Goldberg - direct

1 A. They have a learning program, which is called fathers and
2 sons. So on Saturday night the fathers and sons would study
3 together. There would be, let's say, parties that took place
4 in the boys' schools at certain milestones. For instance, when
5 a child learns how to read well enough to read from a prayer
6 book, or they finished a certain portion of the bible so there
7 would be a party, and the fathers would come and at the end
8 they would dance with the boys on their shoulders.

9 Q. Did your husband participate in all those activities with
10 your boys?

11 A. Always.

12 Q. How was he around the house with the boys?

13 A. He was great. He was a fun father. He would lie on the
14 floor and the boys would line up sitting on his back, kind of
15 jumping on him, and I would say, What are you doing, guys,
16 stop. And they would all look at me and say, Boys. They are
17 like, We are the boys. I used to say to Yechezkel, It's a good
18 thing you're here because I don't know what I would do with all
19 these boys.

20 Q. In those years -- do you need a minute, Karen?

21 A. OK. Sorry.

22 Q. Don't be sorry. You're doing just fine.

23 How were your kids behaved in those years?

24 A. They were kids to really be proud of. They were well
25 behaved, they were well-mannered, well educated. They had a

F248SOK5

K. Goldberg - direct

1 very unusual respect in this day and age for Yechezkel and
2 myself. They got along with each other beautifully.

3 Q. I want to ask a little bit about your relationship with
4 your husband.

5 Could you describe what Shifra day was?

6 A. Yechezkel and I used to spend every night talking after the
7 kids were asleep. And he was the type of person who said, if
8 you want something done, give it to a busy person. He was
9 very, very busy with so many different things. But the one
10 thing that was the most important thing to him was spending
11 time with me. And he made sure to set aside time every week to
12 spend with me, and he would call it Shifra day. So as we were
13 planning the week we would try to plan in which time of the
14 week would be Shifra day.

15 That was never a whole day. He didn't have a whole
16 day to spend, but it would be a portion of a day, some hours,
17 depending when it was. Often it was -- on that day we would do
18 whatever I needed to do, whether it was buying a new
19 refrigerator because the refrigerator broke and he would come
20 with me, or just sitting and talking in a coffee shop. Very
21 often Shifra day worked out on a Friday, which was a day that
22 in Israel is a day off. So we would go to a certain coffee
23 shop where right next door there was a flower shop.

24 Now, we had a very, very beautiful garden. So we
25 would pick out flowers. He would want to know which flowers I

F248SOK5

K. Goldberg - direct

1 liked, what I think would enhance our garden. Then we would go
2 home with the flowers. And when the kids came home from
3 school, it would be kind of like a family bonding time where
4 Yechezkel would pull up a chair for me in the garden, I would
5 be the supervisor, directing all the kids and Yechezkel where
6 the flowers or the bushes, whatever it was that we bought that
7 day, should go. Indeed, people used to say we had the most
8 beautiful garden in our city. But that garden is no more.

9 Q. When you were apart during the day, did you keep in touch?

10 A. Yes. Yechezkel used to call me in between his clients for
11 a quick update, a quick chitchat. Or he would send me text
12 messages sometimes. We would send each other text messages.
13 But I had some of the ones that he sent me.

14 Q. You have kept them all these years?

15 A. I have kept them, yes. They are very special. They are
16 worth a million dollars. Some of the things that he used to
17 send me were: I love you. You stand by me, I stand by you.
18 We go together. Love you, Yechezkel. Or, lean on me, you're
19 not alone. I love you. I only wish I could do more. Love
20 you, Yechezkel. You are my sunshine. You are my best friend.

21 Q. Were you a stay-at-home mom in those years?

22 A. Yes.

23 Q. What was that like?

24 A. I loved staying at home with the children. That was my
25 dream. I have to say that I was good at what I did. I was a

F248SOK5

K. Goldberg - direct

1 great mother. I was the type of mother who would help my kids
2 with their homework, would help them with their projects, would
3 cook them every meal. I was the type of mother that used to
4 play blocks on the floor with the kids or sit outside on the
5 porch playing, and I actually used to notice that the other
6 kids in the neighborhood used to be hanging off our gate and I
7 realized that they maybe were a little bit jealous. Sometimes
8 I used to invite them in to play with us. But my kids were my
9 life and I enjoyed every moment of it.

10 Q. Do you think you would have gone back to work at some point
11 in time?

12 A. Yes. Yechezkel and I used to discuss -- he always wanted
13 me to do things for myself. I was kind of busy bringing up all
14 the kids. But we did discuss that after the last child that we
15 would have had would have been like in kindergarten, then I
16 would have gone back to work.

17 Q. I want to ask you a little bit about some of the family
18 times you had together.

19 Can you describe what it was like doing household
20 chores, like cleaning the house?

21 A. Everything was fun when Yechezkel was around, even cleaning
22 the house. It was a family affair. Yechezkel was the
23 supervisor. We used to joke about that. He got the best job.
24 We used to all divide up the jobs and we used to blast the
25 music and we had a great time cleaning.

F248SOK5

K. Goldberg - direct

1 Q. Did you sing while you were cleaning sometimes?

2 A. We sang. We had music. We had a good time.

3 Q. What about --

4 A. Yechezkel would encourage us. He would be lifting
5 everybody's spirits in case anybody was getting out of the mood
6 or something like that. So he would come with his sense of
7 humor or joke or uplifting comments and gave us all the energy
8 to continue.

9 Q. What about the sabbath meals, was that an important part of
10 family life for you in those days?

11 A. So, really it all started when we were newlyweds and on
12 Fridays we used to prepare sabbath dinners together, listening
13 to music and dancing around the kitchen and we would cook
14 together. That was just the beginning.

15 As the years went on, the meals were our family
16 bonding time. We would have a Friday night dinner with a
17 five-course meal, which is the normal in our community, and
18 also Saturday for lunch we would have another meal. And
19 Yechezkel would lead the prayers and he would bless the
20 children, as is the ritual.

21 And the children would always bring home worksheets to
22 review. So Yechezkel would ask them questions about things
23 that they had learned in school, and we would play games at the
24 table. We had a lot of fun. But perhaps the most special part
25 of the meal was the singing. We had a lot of fun.

F248SOK5

K. Goldberg - direct

1 Our family was blessed with beautiful voices and it
2 almost reminds me of the von Trapp family singers from the
3 Sound of Music. We used to sing at the table with melodies and
4 harmonies that would just ring through the air in the house.
5 Actually, we used to have people down the block telling us how
6 beautiful the singing was because they heard it from the
7 outside. But we could sing for two, three hours. The family
8 would just sit and sing and enjoy and it was just a very
9 special time.

10 Q. I need you to compare and contrast how your family life was
11 after your husband was murdered.

12 A. After Yechezkel was murdered everything changed. Nothing
13 stayed the same, absolutely nothing. I became totally
14 overwhelmed with the tons of things that all of the sudden were
15 thrown my way, also to take the place of the father, also to be
16 a mother, also to deal with all of the financial things that I
17 wasn't really used to dealing with before. Yechezkel used to
18 take care of that type of stuff. The list goes on. And I
19 remember feeling like I was drowning, drowning in an ocean, and
20 every time I tried to get up a huge wave would just knock me
21 down again, and I couldn't even come up for air because I just
22 kept getting knocked down.

23 I couldn't even see a second ahead of me. It was so
24 many kids, so many problems, so many issues, so many decisions,
25 so many things to do. I took every second as it came. One

F248SOK5

K. Goldberg - direct

1 second passed, now the next second. That second passed, then I
2 dealt with the next second, and that was the way it was for a
3 very, very long time. I felt that I was thrown to the bottom
4 of a pit, a dark, deep pit, without anything on the walls to
5 hold on to climb up, and I just stayed there.

6 Q. You were just telling us about those beautiful sabbath
7 meals. What became of those?

8 A. Well, the contrast of what our meals used to be and what
9 they were about to be was so great that we couldn't stay home
10 anymore, and we had friends who would invite us out for the
11 meals and that was good because it was a distraction and a
12 distraction was always good for my family. Otherwise everybody
13 was fighting and bickering and tantrums. But there was one
14 Friday night that for whatever reason we didn't get invited out
15 with friends and we had no choice but to stay home. And at
16 that time I wasn't even cooking. I couldn't cook. If
17 Yechezkel wasn't here, then it was something that just
18 emotionally difficult for me to do. So people used to send us
19 meals at the time during the week and the kids used to try to
20 manage. I wasn't home a lot, just trying to deal with
21 everything that was going on.

22 So this Friday night that was about to come upon us
23 that we had to stay home, a friend of the family actually came
24 over to help me cook, and he cooked the food actually. And it
25 was time for the meal. And the kids put in a request. Their

F248SOK5

K. Goldberg - direct

1 request was could we please do all the courses at once? This
2 is going to be too hard. And that's what we did. We put the
3 salad and the fish and the soup and the chicken and side dishes
4 and the desert all on the table at the same time.

5 Yitzhak, my son Yitzhak was about 13, and he was old
6 enough to lead the prayers but he refused. So that left me to
7 recite the prayer. I cried through every single word. I
8 couldn't bless the kids. We finished that meal within 15
9 minutes. We were all crying the whole time.

10 My daughter Esther came over with a pack of tissues.
11 She was trying to lighten up the moment. We were a mess. And
12 she is like, Yitzhak, you get half a tissue; Shoshana, you get
13 five tissues; Eliezer, you get six tissues; Chana, you get ten
14 tissues; mommy, you get the whole pack.

15 Q. How old was Esther?

16 A. Esther was about 15.

17 Q. I just want to ask you a couple of things about the sabbath
18 meal. You mentioned being invited out. In your community
19 would people on sabbath go to a restaurant?

20 A. No. When I said going out, I meant eating with friends in
21 their house to join them in their sabbath meal.

22 Q. When you say going out, you mean being invited into the
23 home of another family?

24 A. Yes. Yes.

25 Q. You also mentioned a blessing over the children. Is that

F248SOK5

K. Goldberg - direct

1 something that parents do in your community traditionally on
2 Friday nights?

3 A. Yes.

4 Q. Who is the traditional parent that gives that blessing?

5 A. The father is the one who usually gives the blessing.

6 Q. So when you took your children over to the homes of your
7 friends, did the father of that family bless your children too?

8 A. It depended on the family. Sometimes people felt
9 uncomfortable. Sometimes it would be difficult because -- it
10 kind of depended how emotionally in tune people were.
11 Sometimes they would bless their own children and not mine, and
12 that was very, very emotionally painful; my kids would just be
13 standing there.

14 Q. Were you able to keep up that beautiful garden you
15 mentioned?

16 A. No. That garden is full of weeds and dried-out branches
17 today.

18 Q. Do you still live in the same home that you lived in with
19 Scotty?

20 A. Yes.

21 Q. Did you ever remarry?

22 A. No. I have too much on my head to worry about.

23 Q. I want to ask you a little bit in general how the
24 boys -- how did it affect your boys in your community not to
25 have a father?

F248SOK5

K. Goldberg - direct

1 A. As I said before, every social event was a separate affair
2 for men and women. The swimming and -- there was nothing that
3 my boys could pretty much do because they didn't have a father.
4 Sometimes a friend of the family would come and take them to
5 whatever event it was. And then my boys would go through this
6 difficult time, whether it was worth it just not to participate
7 or whether they wanted to go and be a part of whatever it was
8 and be jealous of all the other boys who were going to be seen
9 with their fathers. It was always an emotional battle every
10 week going to synagogue, every wedding, every Bar Mitzvah,
11 every Friday when there was swimming, every recreational
12 activity, every holiday that came up. There was almost no end
13 to the difficulties.

14 Q. Were they able to do things like go swimming?

15 A. They more didn't go than did go because of that reason.
16 Sometimes a friend of the family would offer to take them and
17 they would have that emotional battle, whether they wanted to
18 be with the boys with their own fathers feeling their own pain
19 or whether or not they just were going to give up on the
20 opportunity to go.

21 Q. In the first few months after your husband was murdered,
22 what was your oldest daughter's role in the family?

23 A. Chana was my right-hand man. She was amazing. I don't
24 know what I would have done without her. The kids were so out
25 of control and such tantrums, such trauma reactions, such

F248SOK5

K. Goldberg - direct

1 anger, such anxiety.

2 Q. How old was Chana at that time?

3 A. Chana was 16.

4 Q. Did she help you through some of the more difficult moments
5 in those first few months?

6 A. She helped me through all the difficult moments in more
7 than the first few months. She was a lifesaver, and to this
8 day I wonder what I would have done without her because so many
9 kids to deal with, so many problems.

10 Q. Did you keep your husband's office for a while after he
11 passed?

12 A. Yes. It was too hard to give it up. It was almost as if
13 giving it up meant that he was really dead. We used to go like
14 once a week to visit his office, to sit, to feel him, because
15 his office was so him. He used to have a fish tank in there.
16 He would have stones on the coffee table for the clients to
17 pick up and he could tell by the stone they picked up that day
18 how they were feeling and that helped him open up conversation.

19 There were sayings on the wall. He would put on music
20 according to whatever client was coming in. If it was the
21 parents, he might put on classical. If it was a teen, he would
22 put on music that the teen liked. Sometimes he would even take
23 the teen out. Sometimes if they couldn't sit, he would go out
24 with them someplace. We used to go visit his office. Maybe we
25 felt like he would turn up there.

F248SOK5

K. Goldberg - direct

1 Q. How long did you keep the office open?

2 A. We kept it for a year. But the truth is that it cost
3 money. So we were always trying to think if it was worth
4 keeping it. At the end of the year I realized that we can't
5 keep it forever, and Yechezkel is not exactly coming back. So
6 we decided to give it up.

7 Q. When you went to pack up the office, who was with you?

8 A. My friend who we often went to for the sabbath meals. She
9 came to help us. A few friends came to help.

10 Q. Was Chana there was well?

11 A. Chana was there too. Actually, that's when Chana broke
12 down and she fell into a depression at that point for a period
13 of time.

14 Q. I want to ask you a little bit about Esther. How old was
15 Esther when your husband was murdered?

16 A. Esther was 14.

17 Q. What was Esther's reaction on the day?

18 A. Esther fainted at the funeral.

19 Q. How was Esther in that first year when Chana was your
20 right-hand man?

21 A. She was depressed. She didn't go to school. She would
22 wake up 2 in the afternoon. She would sometimes help me with
23 the laundry and that's when I realized that it looked like she
24 was developing some OCD tendencies because the socks had to be
25 exactly perfectly put on the line and if somebody moved them,

F248SOK5

K. Goldberg - direct

1 she would throw a fit. The laundry had to be folded exactly
2 perfectly. At the time when I discussed it with the social
3 worker, she said that Esther, it looks like she is trying to
4 put some kind of control into her life, some kind of order.

5 Q. After Chana broke down, what was Esther's role in the
6 family?

7 A. So when Chana broke down, Esther took over. I was thankful
8 for that too. She started helping me out a lot with the kids.
9 Not that she wasn't having a hard time herself, but physically
10 speaking she was trying to help me around the house. She would
11 baby-sit, so I knew I could be out and that the kids would be
12 taken care of.

13 Q. I want to ask you about your third child, your oldest son
14 Yitzhak. How old was he when his father was taken from him?

15 A. Yitzhak was 12 and a half. He was half a year away from
16 his Bar Mitzvah, which is a great milestone in our community.

17 Q. How did he react?

18 A. He wanted to kill himself basically. It was very hard for
19 him. He would go to synagogue with Yechezkel every day and all
20 of the sudden he had no one to go with and he had no one to
21 learn with. He was very angry. He became aggressive. He
22 started bed-wetting.

23 Q. He went every day with his father to pray?

24 A. Yes.

25 Q. Has he left the observant community?

F248SOK5

K. Goldberg - direct

1 A. Yes. He no longer goes to pray. It's something that is
2 very difficult for me. In general, all my children, they are
3 not exactly what Yechezkel and I expected from them in a
4 religious capacity. It was sort of impossible for them to
5 continue without a father in that way.

6 Q. Let me ask you next about Shoshana. How old was Shoshana
7 when her father was murdered?

8 A. Shoshana was 10.

9 Q. Just give us a little snapshot of her situation.

10 A. Shoshana also stopped going to school. She used to run
11 away. The pain in the house was too much for her to bear so
12 very often she would run away from the house. She eventually
13 came back, but it used to break my heart that the pain in the
14 house was unbearable. The pain and the fighting, the
15 bickering. Where we used to blast the music to clean and have
16 a great time, at that point I used to blast the music to drown
17 out all the fighting.

18 Q. I want to ask a little bit about you today. I think I
19 already asked you. You live in the same home, is that right?

20 A. Yes.

21 Q. Where do you sleep?

22 A. Since the day Yechezkel was murdered, I never was able to
23 sleep in our bedroom again. That bedroom became a storage
24 room. He had an office in the house and that office also
25 became a storage room. I wasn't able to go back in there. So

F248SOK5

K. Goldberg - direct

1 I found another place in the house to sleep.

2 Q. Are there things that set you off today, in these days?

3 A. I think I would have to say that everything sets me off
4 because there's so many kids. For instance, the baby was a
5 year old. Now he is 12 and coming off the pipeline like all
6 the other kids did without a father. So every time I have to
7 make a decision with one of the children, every time I have to
8 break up fights between them, every time one of them is
9 depressed or I am having difficulties with them, it just
10 revives the whole story and sets me off.

11 When I see a bus, it used to be that I -- any bus, I
12 couldn't for years, until just a few years ago, any bus I would
13 just picture it blowing up when I saw a bus. I worked on it
14 with therapy very hard because it was getting expensive taking
15 cabs everywhere. So I started to take one or two buses at some
16 point. I would only take one bus line. But if I ever saw the
17 19 bus that Yechezkel was killed on, and if I ever see it, it
18 sets me off.

19 Every holiday, every sabbath, there is kind of no end
20 because it's the cycle of the year. So sabbath comes every
21 week and the holidays, the Jewish holidays, come every week.
22 So you have the New Year, and then you have Yom Kippur, and
23 then you have the best of all, of Sukkot, and then you have
24 Hanukkah, and then there is the day of the terror attack, and
25 then there is Purim, and then there is Passover, and then there

F248SOK5

K. Goldberg - direct

1 is Shavuot, and the year just doesn't end and every year it's
2 the same thing.

3 Q. Are the holidays harder for you?

4 A. Holidays are very difficult. Nothing has really changed.
5 Yechezkel hasn't come back. It still is as difficult as it
6 was.

7 Q. Karen, I want you ask you to summarize some of the symptoms
8 that you and your children have.

9 Could you just start with yourself and just give us a
10 brief summary of what you have gone through as a result of the
11 terror attack on your husband.

12 A. I have suffered from overwhelming pain and devastation. My
13 life changed completely. I became very emotionally fragile. I
14 have many feelings of hopelessness and instability. I am
15 constantly battling crises. I have trouble sleeping. Since
16 the terrorist attack, I sleep about three hours a night. And
17 there are times throughout the year where I get depressed.
18 Sometimes I don't want to get out of bed. Sometimes I just
19 don't want to live. Life seems too difficult.

20 Q. Karen, we have put on the screen a little summary. Is that
21 an accurate rendition of your testimony?

22 A. Yes.

23 Q. I want you to summarize some of the effects that have
24 befallen Chana as a result of the terror attack.

25 A. Chana has suffered from depression. She feels life is

F248SOK5

K. Goldberg - direct

1 unpredictable. She has developed eating problems. Very often
2 she doesn't eat at all. She had trouble concentrating in
3 school and she suffered from an abusive marriage as a result of
4 not having a father to help pick out her husband.

5 Q. I meant to ask you about that before when you were
6 describing the roles of men and women in your community.

7 What is the role of the father in dealing with
8 daughters who are contemplating marriage?

9 A. Well, usually it's a match-making process in our community
10 and the father is usually the one who is the dominant one in
11 helping out, in choosing a spouse. He will call up the rabbis
12 and the teachers of the boy to find out about him and he will
13 meet with the boy to see if he is good enough for his daughter.

14 Q. Was Scotty able to play that role for Chana?

15 A. No, he was already murdered when she got married.

16 Q. Karen, I have put on the board a written summary of your
17 testimony. Is that an accurate summary of what you have been
18 telling us?

19 A. Yes.

20 Q. Now I want to ask you about Esther.

21 I think you have mentioned some of the effects on her,
22 but if you could just summarize them for the jury, that would
23 be very helpful.

24 A. Esther became very depressed. She lost motivation and
25 enjoyment. She left school. She lost concentration. She

F248SOK5

K. Goldberg - direct

1 became edgy very often and she developed obsessive tendencies.

2 Q. We have just put on the board a summary of that testimony.

3 Is that an accurate summary of her testimony?

4 A. Yes.

5 Q. I want to ask you about your oldest son Yitzhak.

6 You described some of the things he went through. If
7 you could just summarize them for the jury.

8 A. Yitzhak was suicidal for a long time. He had concentration
9 issues. He left school as well. He became very angry,
10 agitated and aggressive and depressed, and his bed-wetting was
11 unbearable.

12 Q. How old was he at that time?

13 A. He was 12 and a half, but it went on a long time.

14 Q. We have put on the board a summary of your testimony. Is
15 that an accurate summary?

16 A. Yes.

17 Q. Let me ask you about Shoshana.

18 You talked about her a bit. Summarize for the jury
19 the effects of the murder of her father on her.

20 A. Shoshana ran away a lot from the house where there was too
21 much pain. She had trouble concentrating also. She had school
22 issues. She didn't go to school. She developed eating
23 problems. She gained weight. We actually all gained weight.
24 That was something that was kind of across the board. Shoshana
25 is fearful of relationships and untrusting and she lost

F248SOK5

K. Goldberg - direct

1 enjoyment in life.

2 Q. We have put on the board a summary of what you just said.

3 Is it accurate?

4 A. Yes.

5 Q. We haven't talked about your three youngest children yet
6 and I want to spend a little more time with you on them. Is
7 that all right?

8 A. Yes.

9 Q. Why don't we start with Eliezer. How old was Eliezer when
10 your husband was murdered?

11 A. Eliezer was 7.

12 Q. What was his initial reaction to the death of his father?

13 A. He was devastated. He was crying. He was angry.

14 Q. Did he have bed-wetting trouble?

15 A. Yes, he did. All the children from Yitzhak and down had
16 bed-wetting issues.

17 Q. Before the terror attack, what was the bedtime routine for
18 the kids?

19 A. Yechezkel would be helpful in putting the children to
20 sleep. And what happened was after he was no longer, they just
21 didn't want to go to sleep. They used to stay up sometimes
22 till 5 in the morning because their father wasn't there to put
23 them to sleep.

24 Q. When they did sleep, did they sleep peacefully?

25 A. No. Very often they would have nightmares. They would

F248SOK5

K. Goldberg - direct

1 wake up screaming. I would always tell them they can come to
2 me any time in the middle of the night because I was up anyway.
3 That goes on till today.

4 Q. Did Eliezer develop other fears?

5 A. Yeah. Eliezer became afraid of strangers. He was afraid
6 to leave me. He never went on any of the trips with his
7 friends. Didn't go on overnight trips. He once went and he
8 ended up coming home because he was scared to be away.

9 Q. Does Eliezer still have fear of strangers?

10 A. Yes.

11 Q. How old is he now?

12 A. 18.

13 Q. Eliezer, does he still have trouble separating from you?

14 A. In a sense, yes. Sometimes he can be a bit clingy.

15 Q. Did he have trouble in school?

16 A. Yeah. He had trouble in school. They all had trouble in
17 school.

18 Q. Did he get depressed?

19 A. Yes. Eliezer was very depressed. Until today he has bouts
20 of depression. Sometimes he just doesn't understand why he was
21 born, why he is living.

22 Q. Will he take a bus today?

23 A. Eliezer takes buses today.

24 Q. How long did it take him before he was able to take a bus?

25 A. It took all the kids a long time. Years maybe.

F248SOK5

K. Goldberg - direct

1 Q. Is he sensitive to loud noises?

2 A. Very sensitive to loud noises.

3 Q. What about his speech?

4 A. Eliezer needed speech therapy and developed a lisp and he
5 didn't say his S's properly.

6 Q. Did he have that lisp before the murder of his father?

7 A. No.

8 Q. Let's put up a list of what we have talked about. Just
9 take a look, Karen.

10 Is that a fair summary of the effects that Eliezer has
11 suffered as a result of the terror attack?

12 A. Yes.

13 Q. I would like to talk to you now about Yaakov. How old was
14 Yaakov?

15 A. Yaakov was 4 years old.

16 (Continued on next page)

F24TSOK6

K. Goldberg - direct

1 BY MR. YALOWITZ:

2 Q. And was he aware that his father was killed?

3 A. He was aware.

4 Q. What did he say?

5 A. He would say bad man killed my father, who will be my
6 father, bad man killed my father, who will be my father. And
7 he would mumble that all over, he sat on the edge of the bed
8 one day all day mumbling it.

9 Q. Does he remember his father today?

10 A. No, not very much, very, very little.

11 Q. How is that for him?

12 A. He gets jealous, actually, of the older kids. They kind of
13 have this argument who has it better, the ones who remember and
14 it's painful for them, in that sense, or the ones who don't
15 remember, which make it less painful. So they have this
16 argument which is whose life is more difficult. But in
17 essence, you can't really measure.

18 Q. Did Yaakov require speech therapy as well?

19 A. Yes, Yaakov also did.

20 Q. How does he deal with his feelings of loss?

21 A. Yaakov bottles up all his feelings. And he could bottle
22 them up for a few months, and then all the sudden somebody can
23 get his shirt dirty with a little chocolate and all the sudden
24 he'll explode, and you wonder what does that have to do -- it's
25 not proportionate to what happened, and all the sudden

F24TSOK6

K. Goldberg - direct

1 everything starts coming out, and the difficulties that he
2 experienced or someone said something to him about not having a
3 father or he to go to a certain place where he was jealous of
4 the other boys. But he'll keep things bottled up until it
5 finally comes out in an explosion.

6 Q. Does Yaakov suffer from anxiety?

7 A. Yes, Yaakov is very anxious. Yaakov is afraid to be alone
8 in the house. He's 15 years old. Until this day he's afraid.
9 He's afraid to walk alone at night. He's afraid that some
10 stranger is going to pop out from the bushes or from behind him
11 and who knows what he's going to do him.

12 Q. Does he speak about his father?

13 A. It's very hard for him to speak about Yechezkel.

14 Q. And what about sleep, does Yaakov still have trouble
15 sleeping?

16 A. He wakes up with nightmares sometimes.

17 Q. Why don't we put on the board a little summary of what
18 we've talked about. Just take a look, Karen, is that an
19 accurate summary of the effects that Yaakov suffered as a
20 result of the terrorism?

21 A. Yes.

22 Q. Let's talk about your youngest child, Tzvi. How old was he
23 when your husband was murdered?

24 A. Tzvi was a year old. I was kind of trying to make it that
25 he could hold on to the memory of Yechezkel's voice, because I

F24TSOK6

K. Goldberg - direct

1 understood that he was too young to remember. I thought maybe
2 if we kept playing his voice or different messages on machines
3 then maybe he would remember.

4 Anyway, Tzvi would bang his head. At a year old he
5 would bang his head against the floor until he had these huge
6 red marks on his head. And this went on for a long time until
7 someone told us that we have to stop playing, it was difficult
8 for him, he was confused, he doesn't understand what is going
9 on. He hears the voice and doesn't see the person and he's
10 very confused. And until this day, he's had a very difficult
11 life. Until this day one of the things that we're told is that
12 he doesn't remember his father and he doesn't remember but his
13 body does, his body remembers, and that's why he has so many
14 issues.

15 Q. What would you say his outlook on life is today?

16 A. He has a very, very negative outlook on life. He always
17 sees things in the worst possible way. He's always worried.
18 I'll be running down the stairs because I'm in a rush and he
19 will say don't run down the stairs, you could fall, you could
20 break your bones. And that's pretty consistent. He will
21 always take things to the worst possible scenario.

22 Q. Does he speak about death frequently?

23 A. Very often he speaks about death. I mean I could say he's
24 now twelve years old and it's unusual for a twelve year old,
25 but ever since he was talking he was speaking about death. And

F24TSOK6

K. Goldberg - direct

1 he speaks about his own death, he speaks about other people's
2 death, he speaks about wanting to be next to his father so he
3 wants to die, when he has a hard time in life he just wants to
4 die, when things don't go his way.

5 Q. How has he done in school?

6 A. He's had a very difficult time in school. He has low self
7 esteem because at the beginning people knew that he was going
8 through such a difficult time and they sort of didn't want to
9 bother me that he was having a hard time in school. And he
10 fell through the cracks, and which caused him to have very low
11 self esteem, and to this day we're working on it.

12 Q. Does he have anxiety when he separates from you?

13 A. Totally.

14 Q. So when you go to an event like a wedding in your
15 community, how does that affect your three youngest boys?

16 A. Well, first of all, they usually don't want to go. That's
17 the first part of it. I usually have to fight with them to get
18 them to come, whether it's family event or very good friends,
19 because they know that means they will be on the boys' side by
20 themselves. They end up going, and they end up basically
21 standing by the partition most of the time. I just usually
22 give them a phone if they need something, so basically I'm on
23 the phone the whole night with them. And I try to leave as
24 early as I possibly could.

25 Q. I think you mentioned that Tzvi didn't start speaking until

F24TSOK6

K. Goldberg - direct

1 late. How old was he when he started speaking?

2 A. He was three years old. And he came into the kitchen and
3 he wasn't speaking, he was saying different sounds, and I was
4 worried, but he all the sudden says to me: Did someone kill my
5 father? And I was in shock, because at that moment I realized
6 that we never really explained to Tzvi what happened, because
7 he was a year old, he was a baby. And kind of we were so
8 inundated with just trying to survive life, we never really
9 explained to him that his father was killed in a terrorist
10 attack.

11 And he says to me: Did someone kill my father? And I
12 said yes. And he said: Who killed my father? So I said a
13 very bad man. And he wanted to know where is the bad man, and
14 I understood that he was scared that we could be killed, and I
15 said the bad man is not alive. And that was the first time he
16 started speaking.

17 And on that Saturday, Saturday morning, he was sitting
18 on the bed, and all the sudden he hear him mumbling: A bad man
19 killed my father. Who killed my father? A bad man killed my
20 father. Then he takes a little stuffed animal and he throws it
21 at the window as if to throw it out the window, and he says I'm
22 going to throw you out the window. And there was a ceiling
23 fan, and he climbs up upon the bed and he throws it at the
24 ceiling fan, and it gets stuck, and he's angry, and he says:
25 I'm going it take you and I'm going to do this to your face.

F24TSOK6

K. Goldberg - direct

1 And he takes the scissors, and I'm going to cut you up. And he
2 was very angry, but that was the first outburst of him
3 speaking.

4 Q. That was the first time he spoke?

5 A. After he asked me who killed -- did someone kill my father,
6 that was the first outburst, and after that he started to
7 speak.

8 MR. YALOWITZ: Your Honor, I'm going to put up a
9 summary of what we just talked about.

10 Q. Take a look at it. Is that accurate?

11 A. Yes.

12 MR. YALOWITZ: Your Honor, plaintiffs move in evidence
13 Exhibit 1270, which is the summary we have just gone over with
14 Ms. Goldberg.

15 MR. ROCHON: No objection.

16 THE COURT: It will be admitted into evidence.

17 (Plaintiff's Exhibit 1270 received in evidence)

18 Q. Karen, I have to take you to January 29, 2004.

19 THE COURT: Could we take a break first?

20 MR. YALOWITZ: Yes, of course.

21 THE COURT: Let me give the jury a ten-minute break.

22 Don't discuss the case, keep an open mind, we'll come
23 back in ten minutes.

24 (Recess taken)

25 (Continued on next page)

F24TSOK6

K. Goldberg - direct

(Jury not present)

THE COURT: How many more witnesses do you intend to call today?

MR. YALOWITZ: I know we can get through at least one more. If we can get through two, I would like to, but I think realistically we probably have one more this afternoon that we can do, and then we have six tomorrow, if we do that, and then five on Friday. That's kind of my goal, and that will get us through.

THE COURT: Sure. Let's get the jury and let's finish up.

(Continued on next page)

F24TSOK6

K. Goldberg - direct

(Jury present)

THE COURT: You can continue.

MR. YALOWITZ: Thank you, your Honor.

BY MR. YALOWITZ:

Q. Karen, could you just tell us a little bit about how your parenting responsibilities were once your children developed all those problems that you described?

A. Well, I became the mother and the father, except that they not only lost their father but they lost the mother that they used to have, because I was so overwhelmed that it was difficult to do things the way I used to do them.

Q. Did you take on responsibilities for the family finances?

A. Yes, I had no choice.

Q. Did you have the responsibility of organizing therapy for all of your children?

A. Yes, at the beginning Chana was the only one that agreed to go to therapy. So I went, and through me all the other children got helped. But I went like double time, and over the years each child has been through therapy until today.

Q. Doctors' appointments, is that on you?

A. There wasn't anything that I wasn't required to do. I had to do everything a mother usually does and everything a father usually does, and I was just so busy that life just became surviving instead of living.

Q. Now I need to take to you January 29, 2004. Just tell me

F24TSOK6

K. Goldberg - direct

1 how your day began.

2 A. Well, it began at six in the morning when Yechezkel was
3 going to the synagogue. And I remember him standing at the
4 doorway and he waved goodbye. I got the kids out to school,
5 and about 20 to nine that morning --

6 Q. Before you go there, Karen, was there anything -- was it an
7 ordinary day until 20 to nine in the morning?

8 A. Yes, ordinary day.

9 Q. Just going about your ordinary life?

10 A. Yes.

11 Q. And then what happened?

12 A. At 20 to nine in the morning I realized that I didn't speak
13 to Yechezkel. I usually spoke to him in the morning after the
14 prayers, and I was very busy, and all the sudden I realized I
15 didn't speak to him. So I called him, and it was weird,
16 because the conversation I had with him seemed a bit surreal.
17 I said hi. He said hi. I'm like -- I said: Where are you?
18 He said I'm on my way to work. I said okay.

19 And it sounded like he wasn't in the mood to talk, so
20 I said okay, you know, I will speak to you later. And for some
21 reason I didn't put the phone down, I was holding it in my hand
22 and I didn't hang it up. And I picked it up a minute later and
23 I said hello, and he said hello. And I said you're still
24 there. And he says yes, I'm still here. And I said, you know,
25 you've got a full day today, did you say your prayer for

F24TSOK6

K. Goldberg - direct

1 success, you know, with your clients? So he said no, I will
2 say it right now. I said okay. Bye, I love you, and we hung
3 up the phone. And that was at 20 to nine.

4 And I was up -- what I didn't realize until later was
5 that there was -- the terrorist attack was at 8:48, but what
6 actually happened with me that morning was that I was up with
7 the baby the night before and the baby was taking a nap, so I
8 wasn't used to to taking a nap at all in the morning, but I
9 realized that Yechezkel is going to be home very late that
10 night and I want to be up for him and I want to be awake and
11 alert. So I said I think I will lie down with the baby and
12 rest a little bit so I can be there when Yechezkel comes home
13 late, be there for him.

14 So I fell asleep, I took the portable phone with me in
15 case somebody called. I woke up at about quarter to twelve,
16 and I look at the phone and I see the phone is dead. I said
17 okay. I went downstairs to another phone, and all the sudden
18 the phone rings and it's my mother calling from New York, and
19 she says to me hi, Karen, how are you? I said okay, thank God.
20 How are you? She said good. Did you hear there was a
21 terrorist attack, she says to me. I said no, I didn't hear.
22 I'm like, where was it?

23 She's like it was near the prime minister's house.
24 And I quickly thought in my mind okay, Yechezkel's office is
25 not near the prime minister's house, he's probably okay. And

F24TSOK6

K. Goldberg - direct

1 right at that second I got call waited, so I didn't know that
2 the terrorist attack happened a few hours before, I thought it
3 happened just then and my mother was calling me on the spot.
4 And I said to her: Oh, that's probably Yechezkel calls me. He
5 always calls me to let me know he's okay after a terrorist
6 attack? So she got off the phone thinking Yechezkel was okay.

7 And I answered the phone to a client who was waiting
8 outside Yechezkel's office. She had a 12 o'clock appointment.
9 And she was calling his phone and knocking on the door and he
10 wasn't answering, so she wanted to know if maybe I had a way to
11 get ahold of him. I said sure, I do, I will call him. He
12 always answered my call. So I called him, and his phone was
13 unavailable.

14 So I thought to myself oh, right, my mother said there
15 was a terrorist attack, so Yechezkel was maybe helping people,
16 you know, he was that type of person that used to help
17 everybody. So you know, maybe he doesn't have reception, he's
18 in the hospital helping. Really, later on someone said to me,
19 do you think Yechezkel was the type of person to just drop the
20 clients that he was helping and go help other people? I'm like
21 no, he wasn't that type, but I didn't think of that at the
22 time.

23 And in the meantime, this woman calls me back, and she
24 said I went up to the roof and I'm looking into Yechezkel's
25 office and it doesn't look like he was there today, everything

F24TSOK6

K. Goldberg - direct

1 is in its place, it doesn't look like somebody was there. I'm
2 still thinking Yechezkel is helping people in hospitals or
3 whatever because there was a terrorist attack. And in the
4 meantime I kept trying to call him and he wasn't answering, and
5 I called a friend of mine just to let her know that I was
6 trying to reach Yechezkel and I can't reach him. She came
7 right over.

8 Q. Karen, about what time is it by now?

9 A. So this is about 12:30, one o'clock. And she came over,
10 she's a nurse, and she started calling all the hospitals to see
11 if he was on the hospital lists. She didn't tell me that he
12 wasn't. I didn't know anything. And all the sudden my house
13 started filling up with people.

14 Q. Karen, did -- as people came in, did you begin to get
15 concerned or were you still thinking that your husband was just
16 out helping people?

17 A. I was still thinking that he was out helping people.
18 That's the type of person that he was.

19 Q. And did some of your friends ask you to go with them to the
20 medical examiner's office?

21 A. So yes, not my friends, there were social workers that
22 turned up at my house, and when I said to them why are you
23 here, is there something that you're not telling me. And they
24 said no, no. Then they said they wanted me to go to the
25 medical examiner's office.

F24TSOK6

K. Goldberg - direct

1 Q. Who came with you to the medical examiner's office?

2 A. One of Yechezkel's old friends from when he grew up, a
3 social worker, my friend the nurse, and then we picked up
4 somebody along the way.

5 Q. How long was the drive?

6 A. About an hour.

7 Q. From your home to the medical examiner's, about an hour?

8 A. Yes.

9 Q. And what were you thinking as you sat in the car driving to
10 the medical examiner?

11 A. I was a little nervous, but to tell you the truth, the
12 social worker sort of said maybe they want to rule out
13 anything. So I wasn't thinking -- it was the farthest thing
14 from my mind to think that Yechezkel was killed in a terrorist
15 attack.

16 Q. Please describe for us, Karen, the scene when you entered
17 the medical examiner's office.

18 A. So I got there, there were people crying, screaming, I felt
19 bad for them at the time, I remember, not thinking that soon I
20 was going to be in that same situation. And I was sitting for
21 a few minutes, at which point I was called into a little room
22 where there were two police officers.

23 Q. Karen, who went into the room with you?

24 A. To the small room? I went myself.

25 Q. And what did they ask you about?

F24TSOK6

K. Goldberg - direct

1 A. They started to ask me all kinds of personal questions
2 about Yechezkel, about his body. And I thought to myself I
3 don't know if I want to answer these questions. Yechezkel
4 is -- I'm going to talk to him later, I won't be able to hide
5 from him that I told them some personal things. It was very
6 uncomfortable to me.

7 Q. What kind of questions were they asking you?

8 A. Marks, let's say, or different things on his body that I
9 wasn't comfortable answering. And they convinced me to answer
10 questions, so I did.

11 Q. And at this point in your own mind did you begin to
12 question whether he had been killed?

13 A. No, no, I did not. The brain works in funny ways.

14 Q. And did they ask your friends to go take a look at the
15 body?

16 A. No. So then what happened was after a few minutes I was
17 called into a large conference room, and there somebody got up
18 and said until we're a hundred percent sure we don't say, and
19 we want to let you know, Mrs. Goldberg, that your husband was
20 killed in a terrorist attack.

21 Q. How did that hit you?

22 A. I went into shock. And the next question they asked was
23 would you like to identify your husband's body.

24 Q. What did you do at that point?

25 A. Well, first I said I don't know if I want to identify his

F24TSOK6

K. Goldberg - direct

1 body. You know what he looks like, maybe you can tell me if I
2 want to identify his body. But in the meantime, Yechezkel's
3 two very good friends were there and they said they would
4 identify the body.

5 Q. And did they go in and look at his remains?

6 A. Yes.

7 Q. And how long were they in that room?

8 A. I don't remember.

9 Q. And when they came out, what did they say to you?

10 A. They told me that it's better that I don't go in.

11 Q. Did they take you home from there?

12 A. Yes, we went home. The whole ride home they were
13 discussing funeral arrangements. Where I live, they tend to
14 like to bury the bodies the same day, and so the funeral was to
15 be that night.

16 Q. Did you participate in those discussions or were you just
17 sitting there?

18 A. No, I was in a daze. I was in shock.

19 Q. And after an hour drive, you did you wind up back at home?

20 A. So I went home, and on the way back I was sitting next to a
21 social worker and my friend, the nurse, and they came up with
22 me. And I'm standing outside my door, and all the sudden it
23 dawned on me that I have the job now of telling my children
24 that their father was killed in a terrorist attack. I don't
25 know what to say. Nobody prepared me.

F24TSOK6

K. Goldberg - direct

1 Q. Just take us to that moment of what you felt like staring
2 at the door of your home thinking about how you were going to
3 tell your children.

4 A. Just prayed to God that he helps me say the words properly,
5 because I felt very unprepared. Terrorist attacks weren't so
6 common in our community. And the social worker who was sitting
7 next to me didn't even know that she was supposed to prepare me
8 what to tell my children when I got home. And I was standing
9 at the door, but not too much time passed, because all the
10 sudden somebody opened the door. And I was trying to gather my
11 thoughts, and before I know it, the door was opened, and I was
12 inside the house, the house was filled with people, and I --

13 Q. Did you gather your children?

14 A. I gathered my children. My good friend tried to get all
15 the people out of the house. It wasn't so appropriate for
16 everybody to be around at that time.

17 Q. Were there still people around watching you?

18 A. There were still people around, and to this day my children
19 are upset that the people didn't leave, but I think they were
20 probably concerned what the reactions would be. And I
21 basically, without preparation, just told the children that God
22 wanted their father to be in heaven with him.

23 Q. Can you picture the reaction of your children even as you
24 sit here today?

25 A. Yes, they started wailing, crying. My friend that was

F24TSOK6

K. Goldberg - direct

1 there told me that there's a custom on the new year to hear a
2 shofar, I don't know how you say that, a ram's horn, to hear
3 the sound of a shofar. And she told me that for years
4 afterwards she felt like she didn't need to hear it because the
5 wailing of my children's voices at that moment just carried,
6 carried that sound with her for years afterwards.

7 Q. I think you mentioned that in your community that the
8 burial is very fast. When was your husband's funeral?

9 A. So I got home at 8 o'clock and the funeral was at 10.

10 Q. 10:00 p.m. the day he was killed?

11 A. 10:00 p.m., yes.

12 Q. How many people were in the streets of your community to
13 honor your husband?

14 A. Thousands of people. Yechezkel was a very popular person.
15 Everyone liked him. And after the funeral in our community
16 there was another funeral in Jerusalem where more people showed
17 up. He was very well-known.

18 Q. I just have one more thing I want to ask you, Karen. Was
19 the bus that he was on that day, was that his usual bus?

20 A. No. Usually it was a bus that took him straight to work,
21 and that day I don't know whether he missed that bus or whether
22 the bus never came, but he took a bus where he had to transfer.
23 And I heard from a friend that was standing with him at that
24 bus stop that he said that he didn't want to be late for work
25 so he would get on the first bus that came, and he got on the

F24TSOK6

K. Goldberg - direct

19 bus.

MR. YALOWITZ: Your Honor, I don't have anything further for Mrs. Goldberg.

MR. ROCHON: No cross-examination.

THE COURT: Thank you, Mrs. Goldberg, you can step down.

Mr. Yalowitz, would you call the plaintiff's next witness.

MR. YALOWITZ: Yes, sir.

Your Honor, our next witness will be Chana Goldberg.

CHANA GOLDBERG,

called as a witness by the Plaintiffs,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. YALOWITZ:

Q. Chana, where were you born?

A. In New York, Flatbush. I don't remember it, but so I'm told.

Q. Are you a citizen of the United States of America?

A. Yes.

Q. When you were a young child, where did you grow up?

A. Until I was six I grew up in New York, in Flatbush. We used to -- my grandmother lived not far from us, and we used to go every day for pizza, believe it or not. And I remember it being like a daily trip with my mother and younger sister. And

F24TSOK6

C. Goldberg

1 basically I remember going to stores and having fun. But I was
2 young, my memories are more after we moved to Israel.

3 Q. How old were you when your family moved to Israel?

4 A. Six years old. I was in first grade.

5 Q. Where are you in the birth order of the family?

6 A. I'm the oldest.

7 Q. How many siblings did you have when you moved to Israel?

8 A. When we moved to Israel I had three siblings, and the
9 youngest I think was nine months or something. Now I have six
10 siblings.

11 Q. When your family moved to Israel, did you have other like
12 extended family around?

13 A. No, we moved to Israel, it was only us. We had no family
14 in Israel. We were basically -- we kind of became our own
15 unit. We did everything together. We went -- going to the
16 dentist was a big celebration and family outing and party. And
17 my father would take the day off of work and we would take off
18 from school and we would go. And you know, each one would sit
19 in the chair, and while they're getting checked, my father
20 would be cracking jokes. He had an amazing, loving sense of
21 humor. And everything was just like very family oriented.

22 Q. Were you and your siblings well behaved?

23 A. Oh, very. Like people would wonder like what on earth my
24 parents are doing right, and I would say they just really loved
25 us, each of us, like my -- both my parents, they made us feel

F24TSOK6

C. Goldberg

1 like more than a million dollars.

2 And I remember after my father was killed we were
3 sitting in the living room and we were just talking about my
4 father, and the question came up who was my father's favorite
5 child, you know. So each one was curious. And we're sitting
6 there, and I remember each one of us is like well, he loved me
7 the most, and the whole list. And I'm like what are you
8 talking about? I was the closest to my father, I was the
9 closest to an abba. Abba is dad in Hebrew.

10 And we're sitting there until we realized that it was
11 exactly that, we each really -- we each knew, it wasn't a
12 feeling, we knew that dad, that abba loved us the most, each
13 one. And my mother was on top of all of us. And I mean they
14 had a beautiful relationship.

15 Q. So let me ask you a couple of questions about your dad,
16 okay?

17 A. Yeah.

18 Q. Did he go to parent teacher meetings?

19 A. So yeah, he was the only dad who went to parent teacher.
20 They grew up in a very ultra Orthodox place where only the
21 mothers go to the girls' parent teachers, and he was the only
22 one who turned up. And the teachers all knew to expect him
23 there, and he never missed a meeting.

24 Q. Now were there times when he would call your teachers or
25 the teachers of your siblings?

F24TSOK6

C. Goldberg

1 A. So my father made sure -- he made sure to be in constant
2 contact with them to see how we're doing. And the amazing
3 thing is that I remember him calling so often just to say thank
4 you, just to say wow, she's doing so well. And he used to tell
5 me people called to complain, people forget to say thank you.

6 Q. Tell us about your father's sense of humor.

7 A. Wow, that's a big one. My father would walk into a room
8 and it would just light up. He had this big smile. My brother
9 has his smile. My brother has two dimples. But my father used
10 to walk into a room and light it up, and he always had like a
11 funny comment to make and something nice to say, and he would
12 have people rolling in laughter.

13 Q. I want to ask you a little bit about his work. Did he tell
14 you a little about his work?

15 A. Well, he was a therapist, and he used to deal with kids at
16 risk, and troubled teens. And he was top in his field. After
17 he was killed we met with one of his supervisors and he said
18 that although it's been two years since my father was killed,
19 no professional was ever able to fill the gap, you know, the
20 black hole that was left after he died.

21 Q. Did he do -- when he worked with the patients, were there
22 things that he did that were kind of quirky?

23 A. So well, he had all these -- he had a really cute office.
24 I say cute because he had all these things to inspire people,
25 to make them feel at home. He used to wear two watches, one on

F24TSOK6

C. Goldberg

1 each arm, because he spoke with his hands. And he never wanted
2 a client to feel uncomfortable, you know, when the hour was up,
3 he never wanted them to feel like they're looking at -- like
4 he's looking at the clock. So because he spoke with his hands,
5 he used to nonchalantly look at whatever direction it was so
6 they can really know that he is there for them a hundred
7 percent.

8 And he used to walk around barefoot in his office so
9 that his clients felt at home. He used to have the rocks on
10 the shelf and aroma candles that let out a really nice smell.
11 I remember he came home one day with a new chess game, and we
12 said hey, who is that for? And he's like actually it's for one
13 of my clients, he's having a hard time talking, and I figured I
14 would get something to try to make it easier for him.

15 Q. I think we have a photograph of your dad in evidence, I
16 want to put it up. It's Exhibit 1246. Bear with us one
17 second, we're going to show it to you.

18 Is that him?

19 A. That's him.

20 Q. Looks like -- does he have the two watches?

21 A. He has the two watches. And now that I'm looking at him
22 and I'm saying he was a bit bigger in size, and the weight was
23 a battle, and his heart was always so much larger than he was.
24 And any time I had a bad day at school or something, you know,
25 wasn't going right, I remember I used to cry on his shoulder.

F24TSOK6

C. Goldberg

1 And he had this joke he would say oh, no, my shirt is getting
2 wet, to make me laugh, and he was like this big teddy bear.

3 (Continued on next page)

F248SOK7

C. Goldberg - direct

1 BY MR. YALOWITZ:

2 Q. Where did he grow up?

3 A. Where did?

4 Q. Where did your dad grow up?

5 A. Canada.

6 Q. Did he grow up in the city or on a farm?

7 A. He grew up on a farm. He loved animals. Growing up he had
8 horses and whatnot. He wanted -- he actually wanted, after he
9 got married with my mother, he wanted to have a pet. My mother
10 is scared of animals. So in the end they decided they were
11 going to get fish. Then it went up a level to a rabbit. And
12 then he used to walk around with a little gerbil in his pocket
13 peeking out. So he grew up with like rabbits and things.

14 He had a garden that he loved taking care of, it was
15 his baby. And every Friday we all used to chip in and go out
16 and do the gardening. It was really -- it was known where we
17 live, it was known that we had the most beautiful garden. It
18 was amazing.

19 Q. Who put the younger kids to bed at night?

20 A. My father.

21 Q. By the way, are all of your siblings citizens of the United
22 States?

23 A. Yeah.

24 Q. Now, talk a little bit about your mom and dad as a unit.

25 A. OK. Well, I remember growing up and knowing that the most

F248SOK7

C. Goldberg - direct

1 important person in my father's life was my mother. And as a
2 kid, I remember it was like the thing I knew -- I am trying to
3 really -- let's put it this way. My father used to call my
4 mother during every break just to see how she was doing. He
5 used to take her on Shifra day, and he used to take her out
6 just for a drink and for something simple, but it was her day,
7 and he wouldn't work that day, and it was every week.

8 They had some sort of deep understanding. They were
9 each other's best friend. Both of them, they were each
10 other's -- they were there for each other when things weren't
11 right, but not only. They were there with each other, and they
12 were a unit in a way that I really as a kid, I almost took it
13 for granted. I thought it was the most obvious, normal thing
14 ever.

15 Q. Just talk about your mom as a mother in those years.

16 A. My mother was a mom at home and her main focus was -- all
17 her focus was taking care of us. There was never a day that I
18 came home from school and she wasn't there. The first time
19 that ever happened was the day my father was killed, where she
20 had to go identify. But she was always 100 percent there,
21 emotionally and physically.

22 Q. Now, did your dad try to do things to give you kids
23 individualized attention as well?

24 A. We each had a day. Once a month he took a different kid
25 to -- once a month we each went on a day with him. And, you

F248SOK7

C. Goldberg - direct

1 know, he would take us for iced coffee. I remember as a kid it
2 was a big thing. He would take us for an iced coffee and then
3 he would drink half of it. I remember we would walk down the
4 street and I was already 15, 16. I think back and I say to
5 myself, how was I not embarrassed? I walked down the street
6 holding my father's hand.

7 Q. At age 16?

8 A. Yes. And I was proud of it. I loved it. I used to hold
9 my father's hand, and we used to play this hand game, where he
10 would squeeze my hand once and I would follow the pattern. And
11 I used to come to his office. We would spend time together.
12 Sometimes he would have clients so I would wait in the kitchen
13 and then he used to take me out afterwards.

14 Q. I want you to talk about the final Chana day.

15 A. So that was the day that he was killed. It was supposed to
16 be my day with him. I had gotten on a bus on the way home,
17 forgetting for a split second that I was supposed to call him.
18 I remember I called him and it went to a message, which was
19 very unlike him. He was always available. I remember thinking
20 it was weird, but his phone was going to message and I didn't
21 want to just wait around in Jerusalem. So I went home.

22 When I got home, a neighbor greeted me.

23 Q. Was your mother home at that point?

24 A. So the neighbor greeted me and tells me, Look, your mom is
25 not home right now. We are not sure where your father is. We

F248SOK7

C. Goldberg - direct

1 just want you to know. I remember going into the house
2 thinking, that's weird, they don't know where my father is,
3 where could he be? And I heard in the morning that there was a
4 terror attack, but the terrorist attack happened at 8:48 or
5 something like that and I stayed in school until 2:30 and no
6 one said anything.

7 So I got home at around 4 and my mother is not home
8 and some of my siblings are there. I don't know what's
9 happening. And I just remember thinking, oh, he must have
10 gone -- he must really be helping people, either that were in
11 the attack or, I don't know, he must be just helping someone
12 and his phone just has no reception or something like that.

13 My mother came home -- while we were there by
14 ourselves, I heard speakers going around, and I figured someone
15 had passed away or something. I remember a friend of the
16 family that was there went and shut the window. A few minutes
17 later my mother came home and told us that my father was no
18 longer with us.

19 Q. Describe the scene in that moment and your emotions.

20 A. I fell apart. There was a room full of people. There were
21 about 30 people in the room. I remember I ran upstairs, and
22 that's all I have to say. I was devastated. I was 16 and I
23 didn't even know what it meant to have to live another day
24 without my father.

25 Q. Was the funeral that night, Chana?

F248SOK7

C. Goldberg - direct

1 A. Yes. We didn't get much notice.

2 Just a bit of background. In the ultra-orthodox
3 community, there is a lot of customs that involve
4 different -- well, it's customs. It's that children don't go
5 to the funeral, and the wife doesn't go to the funeral, and you
6 don't get time alone with the body, you just say goodbye in
7 front of everyone, all these different things.

8 I never said goodbye to my father. I was told --
9 there were hundreds of people standing around. My father was
10 in an ambulance wrapped in a bag, and I remember standing there
11 and them telling me to ask forgiveness from him in that
12 setting, and I have 30 seconds to do it because they are in a
13 rush to bury him.

14 Q. Did you look at that bag that he was in?

15 A. Yeah.

16 Q. What did it look like?

17 A. I noticed that, at least to my eye, even though the bag was
18 closed and couldn't see much, I noticed his feet looked like
19 they were missing.

20 Q. Did your family sleep that night, Chana?

21 A. Our family didn't sleep for months after that day. We used
22 to have music just blasting to just try to take our minds off
23 the hardship and the shock. It was a lot of shock. Till today
24 his sweater is sitting on his chair in his office in the house
25 because nobody wants to touch it; he left it that way in the

F248SOK7

C. Goldberg - direct

1 morning. For months the kids weren't going to sleep till 4 or
2 5 in the morning, till they dropped literally. And my father
3 used to be the one who put them to sleep so no one wanted to go
4 to sleep.

5 Q. What was your role in the family in the months after your
6 father's murder?

7 A. I threw myself into the role of keeping the family
8 functioning, alive. I was the oldest. I didn't want my mother
9 falling apart. My mother was the mom at home. She never dealt
10 with banking while she was married. She was thrown into being
11 a mother and a father, the good-guy, bad-guy thing, all in one,
12 dealing with kids who just went through the biggest tragedy
13 ever. And the house, somebody needed to be home for the kids
14 when they got home. My mother was out either in therapy or
15 banking or different procedural things and technical things and
16 taking care of things, and she was out of the house a lot. So
17 I was there every day when the kids got home. I sent them out
18 a lot of times. I helped send them out also in the morning. I
19 would make lunch. We got help from friends with dinner a lot
20 of times.

21 Q. Let me ask you to describe the day that you went with your
22 mother to the police station to collect your father's things.

23 A. OK. Well, there was a room of -- well, everything. There
24 were things from phones to SIM cards and laptops, and there
25 were books and pens, and we had to literally -- physically were

F248SOK7

C. Goldberg - direct

1 given gloves, and we were told to physically sort through the
2 stuff and look for things that we could identify as my
3 father's.

4 Q. What did you find?

5 A. We found a watch that had blood on it. We found his
6 knapsack, his side knapsack with his books, and everything had
7 a smell of burnt flesh and blood.

8 Q. Can you describe for us, Chana, the day that you packed up
9 your father's office with your friends and family?

10 A. Yes. I kept myself functioning and helping to run the
11 house, until about a year after my father was killed, we had to
12 give up his office which he worked in in Jerusalem. And at
13 that point I fell apart, and I became very, very depressed. I
14 stopped eating and drinking. I couldn't see myself go on
15 without him anymore.

16 Q. Why do you think it was so hard for you at that point?

17 A. Well, as I said before, I never said goodbye to him and his
18 office was the only thing left of him. You know, it was him.
19 It had his sense of humor on the walls. It had his love and
20 care through the showpieces and the games. And we were giving
21 all of that up, just pack it up and put it away.

22 Q. How did that make you feel?

23 A. Hopeless.

24 Q. Is that the first time you felt like he really wasn't going
25 to come back?

F248SOK7

C. Goldberg - direct

1 A. That was when I realized he is gone and that he is never
2 coming back.

3 Q. What kind of troubles did you develop at that point, Chana?

4 A. I had difficulty concentrating in school. I would come
5 late a lot and leave early. I avoided certain things, like
6 taking buses and certain places.

7 Q. How was your eating at that time?

8 A. I didn't eat. Literally, I remember having like a tiny
9 little yogurt in one week. I basically didn't eat much.

10 Q. Did you feel that the fact that your father was murdered in
11 an act of terrorism was a contributing factor to your grief?

12 A. It was a main part of -- that shock of one day he's here,
13 one morning he's here, and then he just doesn't come back. And
14 the feeling that someone intentionally killed my father and
15 destroyed our lives and turned it into chaos and horror, I
16 couldn't process that.

17 Q. Chana, did you look at pictures of that bus?

18 A. Yeah.

19 Q. What kinds of things did you do to try to help pull
20 yourself out of your depression?

21 A. I wrote two articles about my father. My father had an
22 amazing writing talent, so I guess I also felt connected to him
23 in that way. So I wrote two articles. I don't know.

24 Q. I want to ask you about a couple of incidents. Is there a
25 tradition in your community to observe the 30-day anniversary

F248SOK7

C. Goldberg - direct

1 of a person's death?

2 A. Yes.

3 Q. Do you remember that day?

4 A. I remember everyone was inside the hall, somebody came to
5 speak. In the middle, one of my brothers came outside and
6 decided that he was going to kill himself. And I remember -- I
7 was the one outside. I remember running after him. He was on
8 a ledge where there was a tree in the middle, and he is running
9 away, and I am running after him begging him not to kill
10 himself and that we have lost enough.

11 Q. Was that your brother Yitzhak?

12 A. Yes.

13 Q. How old was he?

14 A. He was 12.

15 Q. I want to ask you also about Yitzhak's Bar Mitzvah. How
16 old was he at his Bar Mitzvah?

17 A. He was turning 13. It was on that day that he turned 13.
18 So there was a big party arranged. My mother, amongst all the
19 PTSD and all the trauma and mess and everything, she, obviously
20 with help, managed to put together a really huge event. I
21 don't know what to call it. And they had balloons and music
22 and trying to really make the most of it.

23 The way it works in the ultra-orthodox community is
24 that everything is separate. So there is the men's section
25 where the men sit and strictly separate. And there is a

F248SOK7

C. Goldberg - direct

1 women's section where the women sit. And normally the
2 13-year-old sits right next to his father. And people who come
3 to eat come over and shake the father's hand, shake the Bar
4 Mitzvah boy's hand. And my brother decided he is not coming
5 in. If abba is not here -- abba is dad. If abba is not here,
6 I'm not coming in. The guests are all there, everyone is
7 inside waiting, and my brother is outside the hall refusing to
8 come anywhere close, saying that he's going to run away, he has
9 no reason to be around if my father is not there. He didn't
10 want anyone, any friends or anyone sitting in my father's place
11 or taking his place in any way.

12 This went on for a long, long while. Halfway through
13 the event, eventually he went inside, and they brought in these
14 dummies, these life-size dolls, to do some funny something,
15 where they are dancing and it looks really cool.

16 Q. Puppets?

17 A. Like puppets, but full-size puppets. And they brought them
18 in hung over their shoulders, and they looked like dead people.
19 I got triggered, and I couldn't stay in there anymore, and I
20 ran out into a room. My therapist at the time was invited to
21 the event, and he came in, and for over two something hours he
22 sat there trying to do EMDR and all these things because I was
23 hyperventilating. So I missed the rest of the Bar Mitzvah.

24 Q. Could you just give us a compare and contrast of some
25 things that were important to your family. Let's start with

F248SOK7

C. Goldberg - direct

1 that beautiful garden.

2 A. Well, the garden, my father put his life into that garden.
3 It was noticeable. It looked alive and amazing and really
4 beautiful, and he put a ton of thought in how to set up each
5 flower. Now the garden, it doesn't look like a garden, it
6 looks dead.

7 Q. I also want you to compare and contrast Shabbat, the
8 sabbath, especially the sabbath meals. Just give us an image
9 of before and an image of after.

10 A. Sabbath meals, it was like a family gathering. It was only
11 us. We were our own little unit. It was our kids' time. We
12 didn't have a lot of guests over often. It was our time. And
13 we used to sing. We used to sit there for hours. We would
14 start the meal at 7 and sometimes be there singing till
15 midnight. Harmony. And we played games. We would play, pack
16 up your suitcase and in it I took. And the next person has to
17 remember what the previous person put in. And we would go
18 around there for like -- literally, we would play games. It
19 was a time we looked forward to, and now and since my father
20 was killed, my mother cannot even handle, she has a very hard
21 time handling staying home for meals. We go out a lot. My
22 mother goes out a lot with the kids. So it became a situation
23 where she had to also arrange the sabbath.

24 Q. When you say "go out," do you mean go out to a restaurant?

25 A. Oh, I'm sorry, no, to friends. She had to make phone

F248SOK7

C. Goldberg - direct

1 calls, see where we are going to end up eating for this meal,
2 where are we going to eat for that meal. It was a burden. We
3 didn't have family. You don't want to overuse your support by
4 one friend because they might resent it in the end. It's
5 buying gifts every time. Very draining.

6 Q. Chana, before your father was killed, were you a good
7 student?

8 A. I was an amazing student, if I may say so myself.

9 Q. What was your dream?

10 A. To be a psychologist, help people, like my father did.

11 Q. Have you been able to pursue that, those studies?

12 A. No. No.

13 Q. Chana, what is the role of the father in helping a girl
14 pick a husband in your community?

15 A. Well, basically, the role is that the father picks the
16 husband of his daughter in that community. Basically, he makes
17 phone calls before they meet and finds out everything about the
18 boy. And before the guy meets the girl, the father sits down
19 with him and makes sure he gets the right vibes and feels like
20 he is OK.

21 At my father's second anniversary, death anniversary,
22 yahrzeit.

23 Q. Yahrzeit is the Hebrew word for the --

24 A. The second anniversary of his death. We had made a
25 gathering, during which I gave out one of my articles actually,

F248SOK7

C. Goldberg - direct

1 and a family who we have known, who we had known before, my
2 mother got a call a few weeks later that this mother of this
3 boy saw me at the anniversary of his death, and was very
4 impressed also with what I wrote, and she is beautiful, and how
5 about for my son. Things went along. I didn't have a father
6 to do all the legwork so we kind of had to manage on our own,
7 and I went out with him.

8 Q. Did you wind up marrying that boy?

9 A. I married him and the first night on the night of our
10 wedding he raped me.

11 Q. Did that continue?

12 A. It continued for a year. He raped me every day, many times
13 a day, in different ways. He controlled everything, the money,
14 what I did, what I had in my pocketbook, what I put in my
15 drawer, who I spoke to. I was not allowed to talk about
16 anything he did to me. He would force me to go to the bathroom
17 and make in front of him. I wasn't allowed to lock doors. He
18 forced me to walk around naked. I was his sexual experimenting
19 and service machine.

20 Q. Did you have thoughts about how you might have gotten help
21 from your father?

22 A. First of all, I don't think I would have married him if my
23 father were alive. He had a very keen and sharp sense about
24 people. The thing with this guy, on the outside he looked like
25 he was an amazing person and he put on that show, and on the

F248SOK7

C. Goldberg - direct

1 inside he abused me terribly while showing the world that he
2 was an amazing husband.

3 After the first time he raped me, I wasn't allowed to
4 tell anyone. He threatened me that I am not allowed to talk to
5 anybody about what had happened. I gathered up the courage and
6 I spoke to my therapist.

7 Q. What did you say to your therapist?

8 A. I said to him, I have something uncomfortable to tell you,
9 and if my father was here I would be telling him, but he is not
10 so if you could help me. I told him how he raped me. I told
11 him how he forced me down. That's what I said.

12 Q. What else did you tell him?

13 A. I told him that I told him to stop and he didn't stop. And
14 the therapist said to me, Are you sure you said stop? I
15 remember standing there and feeling my throat close, and I shut
16 down and I froze. I was in shock that he wasn't believing me.
17 And the therapist said to me, He really doesn't look like the
18 type of guy that would want to hurt his wife. Then I kept my
19 mouth shut for the rest of the year.

20 Q. Are you out of that marriage now?

21 A. Yes, thank God.

22 Q. Do you feel that that marriage has compounded and caused
23 you additional troubles?

24 A. He got me pregnant right away and abused me throughout the
25 pregnancy. He choked me and threatened me with a knife. The

F248SOK7

C. Goldberg - direct

1 amount of trauma that I have from that, I don't function like I
2 did. I don't sleep. I barely sleep. I can't fall asleep. I
3 am scared to walk on the street by myself. I have terrible
4 nightmares. All of a sudden when I am talking to people, it's
5 embarrassing, I am talking to them and all of a sudden I can't
6 hear them. I am not there anymore. Sometimes I literally feel
7 him choking me again, and I go into a panic. I can't remember
8 where I put things. I am all over the place. I am a complete
9 mess.

10 Q. If your father had been alive, would those things have
11 happened to you?

12 A. Definitely not. If I would have married him, then after
13 that first time when I told him, he would have given me a big
14 hug and made sure that guy never touched me ever again.

15 MR. YALOWITZ: Judge, I think we should adjourn for
16 the day unless Mr. Rochon has cross.

17 THE COURT: Do you have any further questions?

18 MR. YALOWITZ: No, sir.

19 MR. ROCHON: No cross.

20 THE COURT: Thank you. You can step down.

21 (Witness excused)

22 THE COURT: Ladies and gentlemen, we are going to
23 adjourn for the day. Don't discuss the case. Keep an open
24 mind. I think we are making good time. I will give you a
25 better idea tomorrow and Friday where we are, but I am hopeful

F248SOK7

C. Goldberg - direct

1 that the week after next we will be finished with the
2 witnesses.

3 Have a good evening.

4 (Jury exits courtroom).

5 THE COURT: We will continue at 9:45 tomorrow.

6 (Adjourned to February 5, 2015, at 9:45 a.m.)
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11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX OF EXAMINATION

Examination of: Page

JESSICA GOULD RINE

Direct By Ms. Pildis2358

RON GOULD

Direct By Ms. Pildis2377

ELISE GOULD

Direct By Mr. Yalowitz2392

SHAYNA GOULD

Direct By Ms. Pildis2409

KAREN GOLDBERG

Direct By Mr. Yalowitz2434

CHANA GOLDBERG

Direct By Mr. Yalowitz2481

PLAINTIFF EXHIBITS

Exhibit No. Received

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